

## DEATH IN THE DEEP SOUTH

*Other novels by Ward Greene:*

CORA POTTS

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WEEP NO MORE

# DEATH IN THE DEEP SOUTH    ✂   ✂

A Novel about Murder

*by*

WARD GREENE

STACKPOLE SONS

NEW YORK

HARRISBURG, PA.

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*The characters in this novel, even  
when they seem to be founded on  
fact, are entirely fictional.*

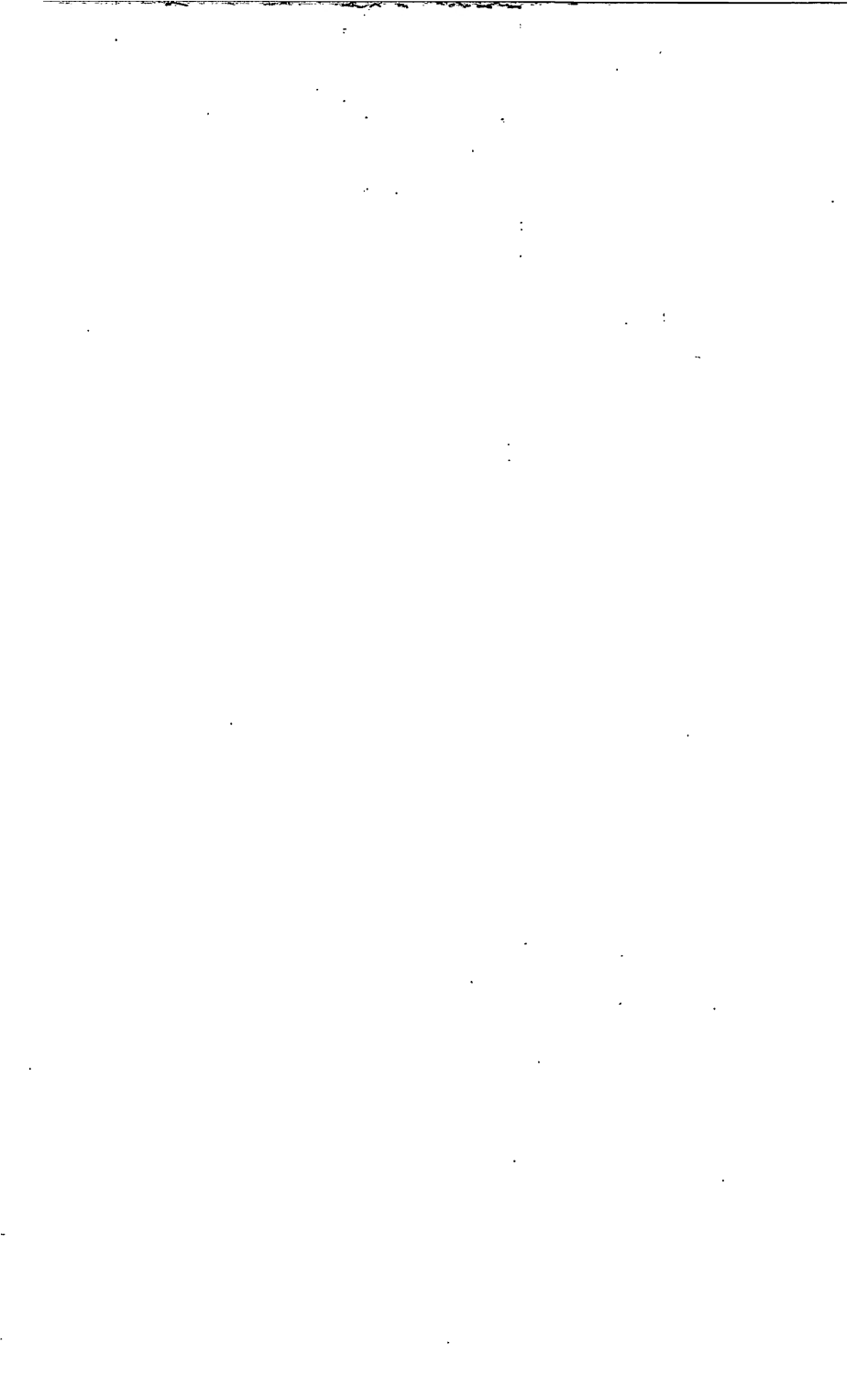
*The Author*



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1. The first part of the paper is devoted to a discussion of the various methods of determining the rate of reaction.

## **DEATH IN THE DEEP SOUTH**



## PART ONE



THE SODA-JERKER'S smile was as brash as his gleaming hair.

"What'll it be, ladies?"

"Dope and cherry, Fred," said the taller girl.

"Make mine a choc'late egg malted," said the little one.

He looked back after he had started the stirrer, not at the one who had called him "Fred" but at the little one with the black eyes, the lipstick on her young mouth and the flowered hat that was like an actress's on a precocious child. The soda-jerker bet she would be hot stuff if it wasn't risky fooling with 'em under sixteen.

"Here y'are, Half-Pint."

He smiled again while she snubbed him with the haughty stare of the very ingenuous.

Inside the drug store, with its patrons pressed double thick along the fountain, and outside where crowds from four corners pressed against the traffic, the pulse of noon leaped with a quicker throb than even the fine day warranted. People walked purposefully yet leisurely, the light of promise in their eyes. In the drug store

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they waited with the same eager expectancy. It was April—and a holiday.

"I'm off at two," said the soda-jerker to a second, loud enough for the little one to hear. "Wish I had somebody to see the parade with—or go to the ball game . . ."

The little one went on talking—" 'n' he wasn't going to let us off a'tall, the big meanie, if it hadn't been for old Buxton. He was going to let us sit right there till five o'clock, making curlycues like any old day, when old Buxton walked in and said, 'Mr. Hale, the class is dismissed.'—'Why, sir, may I ask?' says Mr. Hale in his funny voice . . ."

"He's Northern, ain't he?" said the taller girl.

"Yeah—but gosh, he's handsome! Old Buxton says, 'You may not know it, Mr. Hale, but this is Memorial Day.' We all laughed. 'Memorial Day?' says Mr. Hale, looking funny. "Yes, sir—for the Confederate dead," says old Buxton. Mr. Hale still looked funny. 'In my part of the country,' he says—or something like that—"we call it Decoration Day and it comes a month later.' Old Buxton kind of swelled up and says, 'In your part of the country, sir'—or whatever it was Mr. Hale said—"they may call it what the damn Yankees please, but down here it's Memorial Day and at Buxton's Business College, sir, it's a half-holiday!' Boy, didn't we all give him the razz then!"

"Mr. Hale you mean?" said the taller girl.

"Yeah, Mr. Hale."

The taller girl finished her drink with a shrill screech of the straw.

"They let us off at twelve," she said, "but some stores

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don't close a'tall."

"They better had've let us off," said the little one. "If they hadn't, I would've walked out anyways."

She ate, drank her concoction, spoon and straw alternating, with the rapid enjoyment of a kid at a party.

"You gotta date?" said the taller girl.

"Uh huh. You?"

"Yeah. With Manny."

"I told Joe I'd meet him 'n' go to a movie."

They were obviously on terms of complete understanding of each other's social life, for neither expressed further curiosity. The one, perched on her stool, occupied herself with a powder puff and lipstick while the other sucked the lees of her glass. When she had done, the little one likewise opened her bag.

"Damn!"

"What's the matter?"

"Lost my vanity. I wonder . . ."

"You can use mine."

"But I can't go all afternoon without it! It has my lipstick in it, too. Now I just wonder . . ."

She hopped from the stool.

"I know," she said. "I remember now. I left it in my desk drawer. I've gotta go back and get it. I've just got time."

Both looked at the clock, which registered one-forty-five.

"What time you meeting Joe?"

"Two . . . I can make it easy."

"Go ahead then, I'll pay for these," said the taller girl. The little one gave her a swift pat.

"Thanks, honey!"



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At the door she waved. Her smile might have included the soda-jerker.

He sauntered over.

"She's cute—your girl-friend."

"Is she? Gimme the check, please."

The tall blonde gazed studiously at the spot where the little one had disappeared.

\* \* \*

As she walked through the streets of her city on this sunny April afternoon, Mary Clay did not see it as the geographies did or the histories or the politicians or the sociologists or the Chamber of Commerce or even the newspapers, as a metropolis where the desires and fears of men struggled in a constant burst of events, statistics and headlines. She did not see it in its relation to the state, the nation and the world. She saw in it, perhaps, adventure and romance, but even these were limited to the orbit of her home, her neighborhood, her school, the movie she regularly attended, the street car she always took. She was as much a provincial in the city as any girl on a farm.

Except for her looks. Those who noticed Mary Clay that afternoon—and many did, for she was exceptionally pretty—remembered her for a little while. They remembered the wide eyes and the sweet oval of her face. They remembered, if they turned, the architecture of her legs. And if they turned because the skirt was a whit too short, the cheeks too palpably scarlet, they still must have smiled tolerantly as when a charming baby is naughty. Afterward, contemplating her picture, (that old one all the papers used, taken when she was eleven

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in her first "party" dress and a bow in her hair), they would stir to a dim feeling of recognition, baffling and a little poignant.

Mary's thoughts, as she walked, were as limpid as the sky. Flowing beneath the sense of holiday elation, they held no shadows. She was born, fifteen years before, in her grandmother's house at Flodden, a village where motorists from the city sometimes paused on Sunday afternoons to buy preserves and hooked rugs from the farmers' wives. She remembered nothing of Flodden save the leeches in the pond and smells of woodsmoke, cow-dung, steaming wash and cape jasmine. "I hate the country," she always said, and when the family on weekends visited her grandmother, she would sulk until papa turned the Ford out of the lane into the main road to town. Papa got a job as a garage helper in the city. Mary was four then and mama, having borne three sons and being big with her fifth child in as many years, was glad to swap the hardships of rural life for slums where she could shout to neighbors as she hung the diapers to dry. Here, in a cocoon of frying grease, soot, factory whistles, noisy radios and Saturday night brawls, Mary grew.

She played sidewalk games. She went to public schools. Her brothers, huskies who worked in the mills, occasionally beat up boys who looked amorously on their sister. Once her father beat her for slipping out to a dance with another girl. But when she was of high school age and announced she was going to business college, supervision of her ways suddenly lapsed, as if by universal concession that Mary knew the facts of life, which she did, and could look out for herself, which

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she confidently, blithely believed she could.

She rouged and wore sheer stockings. When her father grumbled, she replied that everybody did—the mill girls, the ladies whose flats he fixed, even mama on Sundays. Papa predicted a bad end for her while he privately bragged of her “style.”

Mary, for her part, put up with her family without too much irritation. Her father's frowns, her brothers' protective blows, her mother's anxiety when the twins gave Mrs. Clay time to consider Mary, all were the natural lot of girls in that neighborhood. She and her friends were absorbed in the quest for “fun.” And fun at fifteen can be almost anything, a pair of high heels, a stroll around the block, a whistle in the dark. It can be a walk down the avenue on an April afternoon with the knowledge that a Joe impatiently waits somewhere and other males stare.

Mary kept her lashes lowered until she saw their shoes. Then, quickly, she glanced up wide-eyed. In that instant her expression never changed. Yet often, if the man was handsome, her heart skipped a beat.

“What's your hurry, baby?” said one. She fixed her gaze ahead.

Smart aleck, she thought—like that soda-jerker.

All sails set, on the crest of the sunshine, she came to her corner. Half a block more and she luffed before the yellow brick building where six stone steps led to a double door and the sign, “Buxton's Business College and Institute of Shorthand.”

\* \* \*

On the steps a man stood, squinting against the glare.

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"Hi, 'fessor Buxton!"

From the top step she was sparkling back. "Forgot something," she said. The double doors clashed behind her.

Professor Carlisle P. Buxton took off his spectacles and rubbed them with a green silk handkerchief. He restored the handkerchief to his coat pocket and the glasses to his large and ruddy nose. He could hear his own voice saying, "How are you, my dear?" He had turned his back to the sun to peer up the steps and for several minutes he remained motionless in that position, blinking at the empty stoop while moisture broke under the sweatband of his Kentucky colonel's hat.

\* \* \*

Tump Redwine, in the basement of the building, heard the buzz of the elevator signal. His eyes rolled from the page he was holding, the whites in the murky light ashen as the basement walls. But he did not get up from his box. He returned to the page while a puff slowly swelled in each corner of his negroid mouth.

When the buzz was repeated, Tump rose, wrapped his magazine in an old shirt, took a bottle from a niche in the wall of the elevator shaft, tilted it, drank, replaced it in the niche and stuffed the shirt on top. He entered the car and threw the lever.

There was no one on the first floor, though the indicator read "1". Tump unlatched the elevator door and stood in the hall, listening. Somewhere above, footsteps died.

"Walk, then, white folks," said Tump Redwine aloud.

It was very quiet here. The sounds of the city, muffled

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by walls, seemed to intensify the hush, giving it a snug and secret quality. Gradually, however, one clearer sound penetrated. Tump's feet began to tap.

What should he do? If he left the building, walked half a block, he could see the parade. But if he quit his post and someone rang the buzzer . . .

Tump Redwine, hesitating, lifted his blunt head to the silence. Who had gone up the stairs?

\* \* \*

Mary Clay came to the middle of the big room where notes swirled in sunlight above the rows of empty desks. When the click of her heels ceased, she heard the distant music of a band. Quickly she opened one drawer and another. She saw the vanity. Then, at a creak behind her like the opening of a door, she turned, smiling.

Far off, the band played.

\* \* \*

Argent and crimson, staining the west, shot their reflections across the city, the packed trolley cars, the files of motors, the theatres disgorging their hordes of homeward-bound. The light touched the trudging groups of school children still wearing their caps, their armbands, the regalia of the parade. It glinted on horns and bugles and down a side street flashed from a veteran's badge. Where green hedges hid the cemetery from the encompassing city, dusk fell softly on the old men and the tattered banners. A group of soldiers, deploying from the crowd, lifted their guns. Three volleys crashed. Taps mourned. A moment later the crowd was scattering

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along the walks, among the graves where rifle smoke curled into the sunset.

"Goodbye, Governor—it was a fine speech," said a young man in officer's uniform to an older in traditional orator's dress. "Goodbye, Mrs. Mountford!" The woman in the back seat of the automobile leaned forward, smiling. With a foot on the running-board, the Governor paused.

He was huge, portly had he not been so rugged—of trunk, of shoulders, of face, where ruggedness centered in the jaws, leaving the eyes gay and the forehead nobly high and serene to the edge of the grizzled hair. He was like a sculpture of statesmanship, dwarfing the men around him, though they were not small.

"Goodbye, Frank. Thanks, Geoffrey. Thank you all, boys—it was good to be with you all. But don't kid me about that speech—I'll be getting the truth from Nancy in a minute, you know." A lean farmer on the group's fringe (henpecked these forty years) guffawed. The Governor twinkled while one hand rested on a gray shoulder. "General—sure you won't come with us? Ah, these youngsters with their horses—you show me up for a lazybones . . ."

In another moment the car rolled slowly toward the gates, leaving an emptiness as though some strength and cheer had gone out of each one of them. They dispersed, the young officer to his own car, the countryman chuckling and mumbling—"I be dog if he ain't a feller! says t' me he did"—the General to bounce vain-gloriously for six bone-shaking miles.

His wife's fingers clasped Governor Mountford's.

"It *was* a fine speech, honeybun."

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He shook his head. "There's not much left to say to those old boys or about them. It's all been said so many times before—honor, glory, courage, the chivalry of the South—it's stale as branch-water. And yet—I don't know, Nancy—there's something—when you look at them you feel it—here—even when the words sound banal."

"At least you said them," she said.

He looked at her, twinkling again.

"You mean . . ."

"I was thinking of Griffin's speech."

He laughed uproariously.

"Laugh if you want to," said his wife, sharply, "but I don't think it's funny. To lug politics into a Memorial Day address! He did it deliberately to embarrass you."

"Well, I wasn't very embarrassed."

"Only because you're too tolerant. However did he work it in, anyway? One minute he was fighting the battle of Bull Run and the next—there he was arguing the road tax!"

"Griffin's a clever lad."

"I don't think so. He reminds me of a monkey."

The Governor tucked a thumb toward the kinky head in front of them. "Please, dear—I wouldn't want it to get around that Mrs. Governor Mountford was calling people monkeys; they still feel pretty strong about evolution upstate." He cleared his throat. "You say Andy Griffin reminds you of Napoleon Bonaparte?"

"I did not! . . . Ben isn't listening, he's thinking about that girl that cooks for the Newcombs . . . I said he played politics. And he did. What he said was—bad taste."

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"Oh my! You don't expect good taste in politics?"

"Today wasn't for politics, it was for—patriotism."

The governor sighed. "I'm afraid every day is for politics, my dear."

But she shook her head. "Not with you it isn't. Everyone knew you meant what you said about those old men. They love you, John. It's little worms like Griffin that make politics so mean, so crooked, so—nasty."

"He's a good prosecutor."

Mrs. Mountford sniffed.

"Sending men to prison isn't my idea of goodness. Besides, he doesn't convict them half the time."

"My dear, aren't you a trifle paradoxical? You must remember Griffin is a public servant."

"He's a public nuisance—the little bumbledee!"

The Governor roared again. "You women!" he gasped. "You defeat me. Monkeys, worms, bumblebees—poor little Andy Griffin! You're all alike. You vote your prejudices every time. If a candidate has a proper waistline and a roguish eye . . ."

"If that's the case," interrupted his wife, "you'd better worry about the next election. And what was that about a roguish eye, fatty?"

Governor Mountford subsided. For the next quarter of a mile he furtively examined his vest buttons.

The car had crossed the city and was coming now into a section of trim apartments and bright shops that were replacing everywhere the landmarks the Governor remembered from childhood. He hated to see them go. And yet—this was progress; this was what he had stood for, labored for, fought for all his days; the building up as well as the tearing down, the new and better before



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stagnation and rot set in. Progress, change; they were the lodestars of his career. He thought of the old Governor's mansion they were approaching and of the ancient capitol where his offices were. They, too, were landmarks. And he who clung to them overlong must fall with them. Careers are like waistlines, the Governor mused, stand still and they betray you.

He felt his wife's fingers groping; he squeezed them hard.

"John . . ."

"Yessum."

"Will it always be politics?"

"It's my game, girl. Would you be happier if I played another? There's the law—private practise . . ."

"No! Lawyers are messier than politicians. I mean, will it be politics there—in Washington?"

Before them both in the mind's eye loomed a radiant white dome lit by the million-candle-power of their fancies.

The Governor did not answer at once.

"We may never find out, Nancy."

"Oh, yes, you will," she whispered, "Senator Mountford . . ."

\* \* \*

Sybil slowed her run to a brisk tip-tap as she came into the fanlight of the Bedford Arms, for she did not wish to seem hurried as she crossed the lobby. The elevator boy's good-evening she acknowledged brightly but with dignity, having been told so often by southerners that only they understood negroes, that she was never quite easy in a negro's presence.

"Nice evenin', Miz Hale."

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"It is indeed!" she agreed, regretting immediately her excessive cordiality.

When the boy let her off at her floor and she had unlatched the door, she sighed with relief. Robert, who hated to come home to an empty flat, was not there yet.

The R. E. P. Hales—so their letter-box proudly read—had lived in the Bedford Arms—furnished apartments, showers and kitchenettes—since soon after their arrival in the city. The rent was steep for Robert's salary, but eventually Sybil would get a job, too, and in the meantime it seemed a shame to give up the newness and trimness that was so like New York for heaven knew what Southern sloppiness in a cheaper place.

The Hales had come South with no bright visions of "Southern charm". "You mustn't think," said Robert, eight months before on the night he showed her Professor Buxton's letter, "that I'm being rash or romantic. I'd feel the same way if the offer was from Pittsburgh or Chicago. There's this to be said—they haven't much enterprise down there; Northern brains and pep ought to take a fellow a long way. Anyway, I'll never get anywhere where I am. You know that, Sybil."

Sybil did, indeed. She was a secretary in the same Wall Street office where Robert was a stenographer, making thirty dollars a week to his eighteen. She had been there for two years before him and she had seen with what iron finality the company denied raises to men thrice his value. "Are you aware there's a depression, Mr. Sigsbee? You're lucky to have a job, you know."

Of course Robert was young, with his opportunities all ahead of him, but he was young in that unfortunate

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generation that came to the conquest after the sack was over and the spoils consumed. In the year 1909, when Mr. Hale dropped his newspaper to read the telegram from home, he had said to his fellow drummers, "We'll call the kid after the Admiral, maybe he'll discover a Pole of his own!" But when Robert Edwin Peary Hale, age twenty-one, left New York University, his only discovery was a world without a nod for him.

Three years later, after various business courses had supplemented the dubious asset of an academic degree, he was glad to swap idleness for anything. "You have to start somewhere," he explained over the noon sandwich. Sybil, who had snared the tall young man against stiff office competition, agreed that experience was a help.

She was just as sympathetic when Robert's confidence eventually changed to despair: "It's a crime, Bob—with your education. You *must* get something else!" They were engaged then, but marriage seemed remote until the amazing day when one of Robert's persistent answers to want-ads bore fruit; Professor Buxton was actually offering him the chair of shorthand and business English in his Institute.

"He won't pay much but it's enough for two to live on," rejoiced Robert. "This may be our big chance! Listen, Sybil, I'm not being romantic, but won't you . . ."

Sybil believed that the way to catch and hold a man was to oblige him in everything. Neither then nor later, when the bridal coach—it was a day-coach—bore them into the wilderness across the Hudson, did she dispute the wisdom of Robert's course. Her knowledge of

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the South was limited to popular songs, reports of lynchings and a play she had seen called "Tobacco Road", but she voiced no fears. Still, it was rather a relief when their destination turned out to be bare of magnolias, show-boats, bleeding blacks or too plainly barbarous whites. On the whole, the city reminded Sybil of Queens.

She adored marriage. She turned like a fanatic to mops and cook-books, lived for the apartment and Robert, yet found time to make friends. One of these, that afternoon, had entertained at a bridge where Sybil lost fifty cents and guiltily drank three highballs.

She brushed her teeth and chewed coffee immediately on reaching home. Not that Robert was a prude. She would just hate for him to notice anything when he kissed her.

Robert noticed nothing. "Well, how was the party?" he said.

She told him all about it, including the highballs.

"I stopped and had a beer myself."

"You were tired, weren't you, darling? Here, lie down with the paper while I start dinner. O-o-o-o, Bobby had a haircut! Such a nice haircut, too! Smell so sweet!"

Robert moved restively under her rumpling hand.

"Barber's stink. I told him not to put it on. Hey, you're mussing me . . ."

Sybil talked to him from the kitchenette while he read.

"Hard day, Bob?"

"Not especially."

"Any more funny cracks by those funny girls?"

"No. As a matter of fact, we had a half holiday."

"Bob! And you didn't tell me!"

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"I didn't know till noon. I would have called the superintendent but I thought you'd be gone, anyway."

"We must get a telephone, darling. When we can afford it, of course. What did you do all afternoon?"

"Oh, loafed around—the barber's—watched the parade a while . . ."

"How was it?"

"Terrible. Lot of old mossbacks."

"It was Decoration Day, wasn't it?"

"Memorial Day, they call it. I don't see why they can't stop fighting the Civil War down here. We've had two first-class wars since then. But just listen to this . . ."

He came to the door of the kitchenette; Sybil stopped breading the chops.

"'Lee's Heroic Legions March again'—'Crowds Go Wild as Veterans Observe Memorial Day'—they did, too. They're a queer people when they get excited—kids, women, even the niggers yelling their heads off. But listen to this . . ."

"'By William P. Brock'—whoever he is—boy, does Mr. Brock toss the language . . ."

"'The long, long trail that had its beginning under an old apple tree at Appomattox Courthouse wound through this city today. The thin gray line of a lost but never forgotten cause—a little thinner, a little grayer than a year ago . . .'"

He rolled the words derisively while Sybil patiently smiled. Some of it she thought rather beautiful, but she would never have said so. She interrupted only once.

"Darling, there's a spot on your coat!"

He flicked at it.

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"Damn barber. Cut me shaving. It bled later. Listen—" Sybil listened, grieving over the spot.

\* \* \*

The young man with the old face released the sheet of paper from his typewriter and read it carefully. It was slugged "Brock-last add sub parade", which meant that it was the final paragraphs of a story about the parade to be substituted for one published earlier in the day. The first had been written for the afternoon editions before he actually saw the parade; the second, he felt, had his heart and guts in it.

"Boy!" he called and when he had seen the literature impaled on the city editor's hook, sauntered to the copy desk where, from another hook, he snapped ribbons of proof which might contain some of his story already set by the composing room.

"Don't mess up those proofs!"

"Nuts," said the young man to the eyeshade. He read calmly, stirred to his vitals. "This the last take you got?"

"Don't bother me," growled the eyeshade.

The young man took his old face to the city desk; he slouched there as if all life were dying, including his own.

"Good story, Brock."

He yawned, thinking by God, they'd better say it! He said, "Anything else for me?"

Eternal anxiety flickered behind the city editor's glasses. "No—I guess not." He hesitated. "Going home?"

"I dunno. Why?"

"Well, there's nobody on police tonight but the kid.

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I thought . . .”

Brock cursed. He said many things about the newspaper business and this paper in particular. He said he would be damned if he went near police if all hell broke loose. He said the city editor must take him for one of those god damn moving picture reporters in love with the racket. He said personally he'd rather be on relief.

The city editor said, “Okay, boy—but it's tough getting out a morning and afternoon paper with only one staff. Maybe you'll just give 'em a ring around midnight, huh?”

“Maybe I won't,” said Brock. When he had gone, the city editor informed the managing editor that Brock would check up on police.

In the Greek's, Brock drank two rye highballs and ate a sizzling steak. He made three phone calls—to lawyers who had promised him stories and to Wingo, the paper's political reporter, to tell him about Griffin's road tax speech at the cemetery. After that he read the afternoon opposition and brooded, over his third highball, on the injustice of fate. If he were a lawyer or a banker or a business man, he would be enjoying life now. He would not be sitting here, thinking about scoops. Well, dammit, he would enjoy some life. He would have another highball and blow.

Strolling, Brock scrutinized the theatre signs. To a woman who accosted him, he said, wearily, “I live here, baby.” To the signs he turned a drooping back. Except for “The Big Scoop,” which he had seen twice, they all looked lousy. He paused for a while to discuss newspaper work with another newspaper man; they both damned it. The early morning editions were out by then

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and Brock bought one and, in a bar, read his parade story. He looked at his watch. Midnight. Oh well, headquarters was hardly a step.

"Anything doing, Sarge?"

The sergeant mentioned a few arrests. "Your man got all the dope."

Stonily Brock regarded the cub in the corner. Dejectedly he went outside.

The young man lifted his old face to the stars. God! If he were a lawyer or a banker or a business man, he would be drunk now, or with a woman, or at home in bed . . .

A Ford stood at the curb. He climbed into the back seat.

Toward dawn, when two call-officers pounded out of the building and leaped into the car, he was still there, fast asleep.

\* \* \*

"What's that, Hanratty?"

"By God, it's a man—by God, its Brock!"

"Wha—whassa matter?"

"What are you doing here, Brock?"

"Went to sleep. Whassa matter?"

"Went to sleep—haw! He went to sleep, Duggan! Well, you're goin' where we're goin' now, Brock."

"Where you goin'? Wha's doin'?"

"We dunno. Somebody killed at the Buxton buildin' . . ."

\* \* \*

In the flashlight's beam, dust floated level and fine



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with no air to agitate it. The beam wavered on gray walls, advanced, settled on the shallow pit at the foot of the shaft where the thing on top of the rubbish might have been a twist of old clothes.

The negro's wail whispered steadily above the breathing of the three white men: "Fore God, p'licemens—fore God, p'licemens . . ."

Brock stepped closer to the edge of darkness. He saw the gleam of metal before he made out one foot, pale flesh where the stocking hung ragged from the leg; then, tracing the lines up, the torso and head. The woman's hair, foul with blood, did not altogether hide her face.

He stooped.

"A vanity case. If it's initialed . . ."

"Don't touch her," said Hanratty.

Brock stared into the pit. She looked very young for such a death.

\* \* \*

## EXTRA!

### GIRL'S BODY FOUND IN BASEMENT MURDER SUSPECTED

Third Mysterious Tragedy in Month Leads Police  
to Believe Dangerous Maniac Roams City

### JANITOR HELD FOR GRILLING

Prosecutor Griffin Takes Charge; Promises  
Swift Retribution

*By William P. Brock*

At two o'clock this morning the body of a young girl, tentatively identified by a slip of paper in her vanity case as "Mary

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Clay," was found in the basement of the building at 12 Jefferson Street occupied by Buxton's Business College and several other offices.

She was believed to be a student at the college. First conclusions that she had fallen to her death down the elevator shaft, at the bottom of which she lay, switched to a theory of foul play when bruises on her body indicated that she had been attacked. Only an autopsy can confirm the probability of murder.

Police immediately informed District Attorney Andrew J. Griffin, who personally took charge of the investigation.

"If some fiend is responsible for this tragedy, we will get him if I blow the police department wide open," declared Prosecutor Griffin. "The decent people of this community are fed up with crime. If the law cannot cope with maniacs and criminals, the long-suffering public will!"

At the hour this edition went to press the police were holding for questioning the janitor of the building, a negro giving the name of Tump Redwine . . .

\* \* \*

The five men surrounding the sixth man were all brawny, beef-red, heavy jowled and evidently as indifferent to human pain as five scientists to the squeals of a disemboweled guinea pig.

The sixth man was small, black and, except for handcuffs, naked. He writhed on his spine, pinioned there by four of the men while the fifth beat him over the belly with a rubber hose. At each stroke the sixth man screamed. When the hose hit him below the belly, he threshed convulsively. Nobody but the five men could hear him scream because they were in an airtight room ten feet under the stone floor of the county jail.

Sweat poured off the five men. Sweat and blood drenched the sixth man, the blood dribbling from welts across his chest. His face was contorted but unscarred.

The man with the hose—a detective in plain clothes

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—pitched it into a corner. He wiped his face with his arm.

“Prop the son of a bitch up,” he said.

The four men hauled the sixth man to his feet and slammed him into a chair, where he sagged whimpering, squeezing his groin with his cuffed wrists. The detective stepped in front of him and slapped him across the face with his palm.

“Talk, Tump! Come clean . . .”

He waited. Then out of the shuddering and slobbering, came words—“Fore God, white folks, fore God, gen’lemens . . .”

A man lifted his foot and launched it at the cuffed wrists. It struck heavily. Chair and occupant crashed across the room into the wall.

The five men looked down at the sixth.

“Out like a light. Hell, you shouldn’a done that . . .”

\* \* \*

Unlocking a door, the detective climbed a stair, unlocked another door, pushed open a third, traversed a corridor and entered a large room where half a dozen men lounged amid fumes of cigar smoke, matches, stubs, cigarette butts and saliva soiling the floor. The early morning sun streamed on them through barred windows.

“He won’t come through.”

The detective addressed them all but particularly the figure dominating the center of the room, a diminutive man in a dark suit and a derby hat who straddled a chair backwise, his arms folded on its top and his knees gripping the hindlegs. Despite his sombre attire there was

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something dapper in the set of his trousers, and despite his small size—he was a midget compared to the Chief of Police in towering blue—he radiated challenge. He had the rotund pot of Napoleon and under his derby—now pushed back, though usually it slanted over one eye—a lock of hair blew down his forehead.

"I'd better see him," said this man, taking the cigar from his mouth. The words and gesture were simple, but the effect was a gamecock's crow.

The detective looked embarrassed.

"You can't, Cunnel—I mean maybe you better not. He's a little woozy, Mr. Griffin—we been questioning him mighty near four hours, you know."

Mr. Griffin did not join in the general grin. He jammed the cigar in his mouth, chewed it, took it out, spoke and immediately restored it. He repeated this operation each time he spoke.

"Well, what's his story now?"

"Same thing. Says he left the building yesterday at his usual time, six o'clock, went down to the saloon in Happy Hollow, had some drinks, had some eats, went out to see this woman on Whitmire Street, stayed with her till midnight or later—he can't say exactly what time he left—too drunk to know, I guess . . ."

"You checked this?" said Griffin over his shoulder.

"We got the woman," said the Chief of Police. "She admits Redwine was there, but she's pretty scared. Hard to tell if she's lying. We can't check the rest of it till the saloons open. My men are on the job."

"Go on."

"Well," said the detective, "Redwine says he went on back to the business college. Seems he's been sleeping

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in the basement there the last few weeks since he got put out of his room, though I reckon the superintendent or nobody else don't know it. So when he come in he don't trouble to run the elevator down, which is parked on the first floor, and besides he's too drunk to fool with it. He walks downstairs to go to sleep, but before he flops, he says he starts hunting around the elevator shaft for something . . ."

"I guess we know what he was hunting for," interrupted a voice. The little man waved a silencing hand.

"Go on, Tucker."

"Well, that's when he says he found the body. It might have been there all day and him not know it, running the elevator down on top of it. That is, if he's telling the truth. The floor of the car comes level to the top of the pit and he couldn't have seen nothing. But because he left the car upstairs, that's how he happened to see the body."

"Did he notify the police?"

"Yes, sir."

"How do you know he did?"

"Couldn't have been nobody else. The sergeant said it was a scared nigger phoned and it was a scared nigger, all right, waitin' for Hanratty and Duggan when they got there. He was outside on the steps and they couldn't hardly get him inside. That reporter feller—Brock—was with 'em. The body was there, on a pile of trash kind of, at the bottom of the shaft . . ."

"Just a minute. Where did the nigger phone from?"

"There was a phone in an office on the first floor. The nigger had keys. Hanratty and Duggan used it and so did the reporter."

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"I know—he phoned me," said Griffin. "Go on."

"Well, after that they waited till the wagon come and all the time this nigger kept moanin', 'Fore God, I dunno who done it, I dunno nothin' about it'—and that's about all we can get out of him since."

Griffin chewed his cigar. He tossed another question behind him. "Identification positive, Harmon?"

A plump, blond young man by the window, too nattily dressed for a detective, said "Positive, Andy. They phoned from the morgue a while ago. Her brothers had been there."

"Are they there now?"

The young man glanced through the window. The bars did not interfere with his view of the street, which ordinarily at this early hour was an empty trough of cobbles between sooty warehouses. Now, however, in the sunshine he could see scores of people, gathered in little knots or walking slowly with necks craned toward the windows of the jail. The group nearest the entrance held his attention.

"I think they are out in front," he said.

Nobody spoke. Through the silence swelled a murmur and the hoarse shouts of a man whose words were unintelligible. Griffin made an impatient flip of his fist.

"Have them wait. Go, somebody. Keep them quiet."

A turnkey left the room.

"Look here." Griffin whirled in the chair, he faced the Chief of Police. "Why couldn't she have died accidentally?"

"How?"

"Fell down the shaft—while the car was up above. If she was a student—what floor is the college on?"

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"First three floors. There are two higher floors."

"You see?" crowed Griffin.

The Chief of Police carefully rubbed his nose. "You didn't see the body, did you?" When Griffin did not answer, "She wasn't killed just falling down the shaft," said the Chief of Police.

"What do you mean, 'just'?"

"I mean she might have fallen down the shaft in a struggle, or she might have been thrown down the shaft while she was still alive and been killed when she hit bottom, or she might have been killed first and thrown down the shaft as a blind. She might have been killed in the basement and not been thrown down the shaft at all. We won't know till we get the results of the autopsy. But girls don't 'accidentally' tie silk stockings 'round their throats."

"You're sure . . ."

"I ain't sure of anything. It looked to me like she was strangled. But she might have been slugged, she might have been stabbed, she might have been shot. I don't know."

"Was she raped?" snapped Griffin.

"The autopsy'll tell us that, too," said the Chief of Police.

\* \* \*

In a drug-store in another part of the city, the answers to Griffin's questions were being panted into a telephone by a sallow boy whose articulation kept cracking up on the nausea that heaved at his throat. He was only nineteen, he had worked for a newspaper two months, he

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had been waked after three hours' sleep, he had gone to the morgue breakfastless and what he had witnessed there had not been pretty.

"Wait a minute, Brock—don't bawl me out—I'm tryin' to tell you. Con-contusions on arms, legs and breasts—both ankles broken—the back scarred like she'd been dragged—lacerations on the face and neck—big hole in the back of the head—like she'd been struck by some blunt instrument, see?—throat very swollen like she was choked. But they don't think strangulation was the immediate cause of death, they think it was the blow on the head. They say that from the condition of her lungs.

"What? Yes, strangled with her own stocking—the other was on her. Well, she could've been strangled after she was dead, couldn't she?—I don't know why. Maybe to be sure the job was finished. Or maybe she was dragged by the stocking around her neck, see?

"Yes—yes, she was—raped . . .

"I don't know, Brock. My God, I didn't look! I don't know—I couldn't say—I had to go out when they cut her open . . . I'm sorry, Brock, I'm doing the best I can. It's swell you scooped 'em, Brock! Everybody's talking about it . . .

"That was to try to find out what time she was killed. The Medical Examiner said there was undigested stuff in her stomach. It was milk or cream and there was some malt. Maybe beer. He said she must have been killed within an hour after she ate the stuff. Of course they don't know whether it was lunch or supper . . .

"What? Just something she ate at the . . .? Please, Brock!—don't joke. It was awful. And seeing her



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brothers was awful. They were crazy men. I'll tell you what they said . . ."

After he had hung up, the boy went into the street and vomited.

\* \* \*

The brothers were crazy men. They stood tall against the windows, their six balled fists hanging like dumbbells at their sides, their heads sunk on their necks like the heads of three bulls about to charge. District Attorney Andrew J. Griffin glanced up at them from the notes in his hand and began to talk fast.

"You are Luther Clay? You are Shattuck Clay? And you are Ransom Scott Clay? You are brothers of Mary Clay, the victim of this homicide. Gentlemen, we need your help. You can be of the greatest assistance to us if you will be completely frank. We must know everything there is to know about your sister. Her age, her history, her habits, her movements during the last few weeks, everything she said, everything she did, everything she planned to do yesterday. Did she have any enemies? Who were her closest friends, male and female? I must ask you some painful questions. I should like to know, for example, was your sister virtuous? Only by getting the truth, the whole truth and nothing but the truth . . ."

The middle brother stepped from the wall. He glowered at Andrew J. Griffin, who stopped abruptly.

"You got a nigger named Redwine here?"

Griffin leaned back, his cigar-hand at his mouth, his eyebrows cocked. Through the group behind him clicked a tension.

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He regarded the brothers. They were workworn young men, the stamp of field and foundry in their faces, the mark of privation on them from boot to brow. He had seen them ten thousand times, at plows, at looms, on chain-gangs, on juries, in the mud of France, in the dust of courthouse squares, where, at political rallies, he had watched them as the clinician watches the bug under the microscope. They were the "wool hat boys" of Georgia, the "blue jeans" of New England; they were the serfs of their time. But they were the American male, the "backbone of the country."

Griffin said, "Boys, I'm coming clean with you. We've got a nigger. He's the janitor of the building. But so far we haven't got much on him. He swears he's innocent and we can't prove he's guilty till we know a lot more than we know now. That's why I want your help. And I promise you—if the evidence points to him—I will burn that black son of a bitch in the electric chair as sure as God made little apples!"

The rustle in the room was like a cheer. Shattuck Clay did not move. Suddenly by the window, another brother sobbed.

"Kill him! Kill the — — —! He killed my little sister, didn't he? I'll kill . . ."

Luther Clay knuckled his brother's mouth.

"Hush, Ranse, hush! You, too, Shack. We cain't git nowhere heah. And we don't know for sure if he done it . . . yit. It cain't do no harm . . ."

He turned to Griffin. Rugged dignity was in his creased face. "Ask yo' questions, suh."

\* \* \*

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The voices in the inner room—Griffin's sharp staccato, the deeper tones of the brothers, the secretary's interruptions for a name or fact to be repeated—had been going on for nearly an hour. The three detectives outside, whether they paced, spat, hitched their belts, scratched or merely sat, expressed dissatisfaction in every muscle. They had been asked to wait while the district attorney got his information.

"And what I want to know is," said Detective Tucker, "what more information does he want? As soon as that smoke comes around, I'll give Andy Griffin enough information to swing six juries. A few more minutes and I'da had a confession."

"Hell," said Detective Briggs, "we got hangin' evidence without a confession—hangin' evidence! The way I look at it—see?—we don't need a confession. The nigger done it and that's all there is to it. Look at the way I look at it—see? The nigger is a bad nigger to begin with. We know that by the looks of him, let alone what we found in the basement. Lemme take another look at that book, Steve . . ."

Detective Laneart, slowly turning the tattered pages of a magazine, brought his feet from the desk and reluctantly gave it up. Detective Briggs pursued its perusal with grunts and shakings of the head.

"Boy! (grunt) Some snappy pitchers, huh? 'Art studies'! (grunt) They never give me no art like this to study where I went to school. Boy! (grunt) And that black ape squattin' down there lickin' his chops over pitchers of white women—makes your blood boil! They ought never to teach niggers to read or write and make it as much agin the law to possess a book like this

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as to tote a gun."

"Lemme see it," said Detective Tucker.

Detective Briggs, handing over the magazine, continued his theory.

"He's a bad nigger—see?—and all he needs to bust loose is a chance. Well, yesterday he gets it. It's a holiday—see?—and 'most everybody is out of the building. He told you that, didn't he, Tuck? They let out the school at twelve o'clock. Well, this little gal is kept in or somethin' or maybe she stops to powder her nose. When he takes her down in the elevator, she's all alone. It's a cinch for the nigger to run the elevator past the first floor to the basement before she can open her mouth. When she starts to holler, he cracks her one—see?—and then he's got her where he wants her. Maybe he knocks her unconscious, maybe he gags her. Maybe he even goes back upstairs and runs some more passengers down. Anyway, he's got all afternoon to finish the job. He admits he was there till six, don't he, Tuck?"

"'as right," said Detective Tucker, not looking up from the magazine.

"Okay. When six o'clock comes, he's done his dirty work but he ain't found time to figure out what to do with the body. Besides, he's a little drunk. He's been hittin' that bottle."

Detectives Briggs and Laneart fixed their eyes on the empty pint flask on the table, and Detective Laneart nodded judicially. Detective Tucker thumbed the magazine. He had taken a pencil stub from his pocket and was wetting it with his lips.

"See?" said Detective Briggs. "He figures he'll go get him some more whiskey and somethin' to eat and maybe

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he'll think of somethin'. So that's what he does. That's when he goes to Happy Hollow. But he gets drunk and he can't think and all the time the body's preyin' on him. So he says to himself, 'I gotta get somebody's help, I gotta get somebody's advice.' And who does he go to? His woman, of course!"

Detective Briggs looked triumphant. Detective Laneart said, "You mean he told her he killed the girl?"

"Well, I wouldn't be surprised, if we questioned that woman hard enough, if she didn't admit somethin' like that. You listenin', Tuck?"

Detective Tucker, who had turned his back to them, said, "I'm listenin'."

Briggs concentrated on Laneart. "Suppose he didn't tell her in so many words? Suppose he says to her, 'Look here, woman, I got somethin' that's botherin' me, I got somethin' I stole I got to get rid of, I got the carcass of a dog I stole and it died and it's down in the basement of the business college and I'm afeard they'll find it and send me to jail, what'll I do, woman?'—What does she say? What would any nigger woman say?—'Burn it,' she says, or maybe she says, 'Bury it.' But he knows he can't bury it in that stone basement. He decides to burn it and he decides he'll wait to burn it till late in the night because it's too warm for a fire this time of year but a fire won't be noticed if he makes one in the furnace around two o'clock in the mornin'."

Detective Laneart, squinting at the ceiling, said, "Come to think of it, that furnace looked like somebody been tryin' to start a fire in it lately."

Detective Briggs nodded. "'at's right, boy. So he goes back to the business college, but he's drunk and he's

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scared and when he sees the body again, he's afraid to touch it. So what does he do? He says to himself, bein' pretty drunk, 'Shucks, nobody knows I done it, I'll call the cops and tell 'em I found it, they'll think she fell down the shaft.' He's smart enough to figure that way, but he ain't smart enough or sober enough to destroy evidence like that book."

"And maybe he ain't smart enough," interrupted Detective Laneart, "to destroy other evidence. If he killed that girl, Briggs, he musta got blood on him. He musta changed his clothes before he left that basement. You said somethin' a while ago, Briggs, about buryin' somethin'. If we poked around that basement some more, boy, I bet we could find somethin', huh?"

But Detective Briggs had let his attention wander. "You married to that book, Tuck?" he said, fretfully.

Detective Tucker got up, buttoning his coat.

"I been listenin' to you boys. I heard everything you said. And it's all right. It's all right! But while you was gassin', I been discoverin' some evidence that's plenty important. Look at that!" He slapped the open magazine in front of them. "Show that to a jury! Show that to a jury of white men and tell me how long it'll take 'em to bring in a verdict of first degree murder!"

Briggs and Laneart stared at the crude pencil marks defacing the page.

"By God," said Briggs, "I never noticed that before."

Laneart's eyes met Tucker's with cold, unwinking approval.

"I did," he said.

"Of course you did!" Tucker's veins bulged. "And you're seein' it now, ain't you, Briggsy?"

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Briggs continued to stare at the obscene outline. "The son of a bitch," he whispered. "The dirty . . ." His whisper died in a snort of disgust.

When the district attorney entered a few moments later, all three were settled comfortably, on their lips the smirks of gorged cats.

The district attorney waited for no queries or suggestions. He had become a dapper little dynamo, crackling orders from under the brim of his derby.

"Tucker, I want you to bring in Joseph Turner, an apprentice at the Triplex Steel Products Company. Here's his home address. Try there first, then the factory. He'll be a kid around twenty, brown hair, blue eyes—here's a description. He's Mary Clay's boy friend—or one of them. Get his alibi if he's got one but don't be tough with him. Leave him for me, Briggs . . ."

He snapped another slip of paper.

"Find Imogene Mayfield. She lives on Poplar Street a few blocks from Mary Clay's home, I don't know the number. If she's not there, find out which department store she works for. It's one of the big ones, the Clay boys think. 'Flighty looking blonde with buck teeth'—but not unattractive, I gather. Over the average height for a woman. Pump her for all she's worth. She may have seen Mary Clay yesterday. If she didn't, she's more likely than anyone else to give us a lead that will spring this case. Girls tell the girl-friend the last thing they want the family to know. Don't overlook a bet—if Mary had love affairs, crushes, even mild flirtations, I want the dope."

"Listen, Mr. Griffin," began Briggs. But Griffin raised his hand.

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"Laneart, you go out to my car. I'll be there in a minute. I'll need you for several hours. And see that a uniform man accompanies the Clay boys when they leave. They've cooled down but it'll be just as well to have an officer around their place. It's one of those tenements out in the cotton mill section. I've promised protection from the reporters and curiosity seekers. That's all, boys."

The detectives exchanged glances.

"Look here, Mr. Griffin, ain't you going to grill that nigger we got downstairs?" demander Tucker.

"Not now. But by the way, when I do, I want him able to sit up and take nourishment. No more rough stuff, you understand?"

"Well, hell, Mr. Griffin, that nigger knows more than . . ."

"I said that's all, Tucker. We're wasting valuable time."

Tucker hawked and spat. "Suit yourself, counselor," he sneered.

Into Griffin's face the blood rushed violently. He clamped his teeth on his cigar, fixed the bigger man with the glare of a brigadier general.

"Lieutenant Tucker, the police department of this city has not been phenomenal in its cooperation with the district attorney's office. The district attorney recently promised your superiors to forget certain incidents that—if I were blunt—I could characterize only as gross incompetence. If, to incompetence, you add impertinence and insubordination, I assure you the result will not be felicitous for you. Take my orders, Tucker, or I'll put my own men on this case!"



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The detectives filed out as the Clay brothers stalked in.

Said Tucker, "What did he mean, it won't be felicitous?"

"I guess there ain't any doubt about what he meant," said Laneart, "the cocky little runt!"

The Clay brothers shook hands with the district attorney and the secretary, plump and pink, escorted them through the door with words of cheer. He returned immediately.

"And that's that, Andy. You handled them sweetly, my boy. Frank Buck calming the raging Bengal is a peewee compared to the Great Griffin. And now what, my little Vidocq?"

The secretary beamed quizzical affection as his chief toured the room with a strut as characteristic as a pig-eon's pout. He had known Griffin since their college days, laughed at him while he admired him, kidded him while he envied him and still had to make up his mind whether Andy was a genius or a charlatan. Neither the secretary's respect nor contempt affected a great deal his devotion.

"I'm in a stew, Harmon."

"I can see that, counselor."

"Don't call me counselor, goddam it!"

"Okay, Javert. But you don't have to bite my ear off."

"I mean it—that damn detective called me that and I don't like it. They're a lot of crooked saps—we'll get no help from them."

"Is that news?"

"No—but it's bad. It's very bad when so much depends on getting the jump in the beginning. They're

likely to ball up whatever they touch. And this may be a mighty important matter to me, Harmon."

"I know—those other murders. But nobody can blame you for failure to convict there. That was more police bungling."

"They did blame me. I'll give small chance for bungling this time, by the Almighty!"

"Atta boy!" said the secretary. He added, consolingly, "After all, Andy, you can't stop murder. This is no worse than . . ."

"Oh, yes, Harmon! Oh, yes!—An old woman and a Polak girl are soon forgotten. This was a child—only fifteen years old—a school girl—a pretty girl—an American girl—your daughter—mine!—can't you see what the newspapers will do to it? Why, that fellow Brock had me out of bed at four o'clock this morning; by now he's probably got her picture on the front page and sob interviews with her mother . . . A child . . . raped! . . . 'Criminal assault' they'll politely call it, but every boy in the first grade knows what that means. I tell you, Harmon, this case has the makings of a sensation!"

"Too bad it had to happen right now," said the secretary.

Griffin, pacing, chewed his cigar to a rag. He took out another.

"I'm glad it happened!" He lit the cigar and made a deprecatory gesture. "Of course, you understand what I mean. I deplore murder. But there are times in a public official's career when a spectacular murder can make or break him. Harmon, I'm going to get the man that killed Mary Clay or bust trying!"

This statement, from anyone else, might have made the secretary smile. Instead, he blinked solemnly at Griffin.

"Okay, Andy. But haven't you got him?"

"The nigger? Bosh!"

"What makes you say bosh? He looks plenty guilty to me. Besides, Andy, bosh doesn't become you. It's British."

Griffin's look withered him.

"Harmon, there are times when your sense of humor is inexcusable. The nigger didn't do it."

"How do you know he didn't?"

"The girl was killed yesterday afternoon. The medical examiner said she'd been dead at least ten hours when they found her early this morning. It's reasonable to believe she wasn't killed before school was dismissed for the half holiday. That would fix the murder some time between noon and four or five o'clock. Do you mean to tell me that that nigger stayed with that dead body for ten hours—or left and came back at two o'clock in the morning—and then *called the cops*?"

"He might have—if he was a smart nigger—to avert suspicion."

"No, Harmon—he may be a smart nigger or a dumb nigger, a bad nigger or a good nigger—he's still a nigger. And no nigger living would let a cop catch him within a thousand miles of the corpse he had killed—and raped!—if he had legs left to run!"

The secretary, who had known many negroes in his life and esteemed not a few, rubbed his chin.

"Andy," he said, "you may be right."

"*May* be?" The district attorney jammed his derby

tighter on his nose. "I *am*-right!" He strode to the door. "It's nearly eight o'clock—come on—I want a look at the Buxton building."

But the secretary said, "Wait a minute." He held out his hand. "Look here, Andy, I've known you a long time, haven't I? And I have your interests at heart? Well, believe it or not, I have. And once in a while—oh, just once in a while—you've listened to me. Is that true? Well now—about this nigger—maybe you're right, maybe he didn't do it. But maybe—*maybe*—you're wrong. The cops say he did it. A lot of evidence says he did it. Suppose he did do it? And suppose the police get a confession? It wouldn't surprise you if the police got a confession, would it? Well then—are you going to believe a signed confession? What's more important, are the people of this community going to believe a signed confession? Think hard, Andy. Don't bite off a load of trouble for yourself, boy."

Griffin impatiently shook his head.

"Bosh! Any fool can ride to glory on helpless niggers and crooked cops. I don't play ball that way. Come on!"

The secretary was chuckling when he caught up with his chief. He took his arm. He said, "You're a funny little cuss, Andy. You know—by golly—sometimes I like you!"

\* \* \*

Since daylight the crowd before the business college had been growing—from the inevitable two men and a boy at every dogfight to several hundred packing the street by eight o'clock. Many were women. Some had newspaper extras and the headlines sped from mouth to

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mouth—a girl, just a kid, strangled, battered, raped—Mary Clay, Mary Clay—the very sunshine flickered with her name.

On top of the six stone steps, his back to the double doors, a captain of police scowled. "Keep them moving, keep them moving," he exhorted. "Keep moving!" snarled the cops. The crowd buckled, slid, clotted and shoved fresh ranks forward. "Keep moving!"

A man, expostulating, was allowed to cross the curb. He argued with the captain. His arms waved. His broad hat, his old-fashioned coat-tails flapped in the sunshine.

"I'm Buxton! Carlisle P. Buxton . . ."

While the crowd stared, the captain, after some hesitation, let him through the doors.

Reporters, clutching wads of paper, squirmed here and there. When they found someone who knew Mary Clay, they pounced.

"Name, please . . . oh, all right, we won't quote you if . . ."

A surprising number knew Mary Clay. If they had not known her well, they knew her by sight. It was obvious that, among her fellow students, Mary Clay had been easy to remember.

". . . such a pretty little thing, like a doll she was. I said to Hazel the first time I saw her, 'Ain't she the prettiest little thing, she's like a doll,' I said. And sweet, too, the sweetest little thing you ever saw . . . It just beats me how anybody could kill her! It's just awful. Somebody you knew, sittin' right there in the same class with you every day, and killed right there in the college. It's awful! . . . But as I said to Hazel, and I bet I said it a hundred times if I said it once, 'Hazel,' I said,

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'they oughtn't to allow these old buildin's, this here is a firetrap,' I said, 'and it's worse than that, what with anybody comin' in and out any old time' . . . My picture? Aw, you don't want my picture, mister! With a *murder*? What'll my folks say? . . . Well, if you'll get Hazel in it, too. She's standin' right over there. Sure, she knew Mary Clay . . ."

The chatter ran, the cameras clicked, the reporters wrote furiously. Out of those scrawls was to rise the legend—the lily child, the innocent; the ewe lamb whose slaughter would cry to millions for atonement.

Now, where the crowd spilled around one corner, broke out a hubbub—the repeated blasts of an automobile horn, the shouts of police trying to clear a way. The car jiggered to the curb's edge, stopped and three men jumped out and ran swiftly up the steps. Questions and answers flew as the double doors gulped them . . . "District attorney, district attorney . . . Andy Griffin . . . Little Andy! . . ."

A reporter, jammed against vest buttons, said, "You go to the college?"

"Not exactly."

The reporter looked up. He saw one about his own age, taller by half a head, blue suit, stiff collar, tie and handkerchief to match, soft hat, shellrim spectacles, pale blue eyes—at the moment unmistakably annoyed.

"Wha' d' y' mean, not exactly?"

"I don't go there—I teach there."

"P'fessor, huh?"

"Yes—if it's any of your business."

"Don't get sore, fellow. I'm a reporter. Did you know Mary Clay?"

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Annoyed eyes set in a frown.

"Say, didja?"

A girl giggled, "Aw, g'wan tell him, P'fessor!"

Turning, the tall man muttered something and lifted his hat. Then with a brusque "Excuse me!" he shoved off through the crowd.

"Nice feller," remarked the reporter.

"Well, he needn'ta been so snippy," said the girl, "p'tic'larly when she was so crazy about him."

"Huh?" said the reporter. "Who?"

"Why, Mary Clay. She was crazy about P'fessor Hale."

The reporter yawned. "Oh, yeah?" He took no notes and yawned again twice while he listened.

\* \* \*

Inside the Buxton Building the group assembled on the first floor included Griffin, his secretary, Harmon Drake, Detective Laneart, Chief of Police Strawn, several officers and Buxton himself, who with outstretched hands and perspiration running down his face, commanded their attention much in the manner of a little boy hauled up by his elders and about to blubber his heart out.

"Gentlemen, I would rather have cut off my right arm than have had this dreadful tragedy happen! For twenty-two years I have conducted this institution without a scintilla of scandal attached to it. My graduates occupy some of the highest positions of trust and honor in this community. Believe me, gentlemen . . ."

Griffin stopped him.

"There, there, Doctor, naturally you're upset. But

give us a chance to look around. If you'll kindly wait in here, please . . ."

He indicated the open door of an office. Buxton, still lamenting, lumbered toward it. Griffin faced the Chief.

"We waited for you, Andy. Of course, we've been through the building. The body's been taken away, but everything else is pretty much the same. We made photographs. If you want to see the basement first . . ."

Griffin seemed not to hear. His head waggled like an alert terrier's, his eyes roved. Before him spread the lobby fanwise, flanked by several doors and abutted on its far side by the stairs, which rose in a graceful curve emphasized by a balustrade. The building's architecture told its age. Generations of heels had worn those marble flags, countless hands had smoothed that oaken rail. Yet he must find one among thousands who in the last twenty hours had made this a murderer's path.

"Fingerprints . . ."

Griffin said bosh. He added, "Try, of course—I suggest inside the elevator cage. But you won't have much luck."

They inspected the basement. Except for stains on the debris in the pit, there was no sign that murder had been done. Laneart pointed to splashes on the walls of the shaft.

"She hit there maybe."

"Or else whoever put her there left those marks. Mr. Griffin, I'd like mighty well to examine the trash in that pit. This whole basement was swept clean mighty recently."

"Okay, Laneart—later. We'll go upstairs."

They went upstairs. The first floor—Buxton's office,



his secretary's coop, two classrooms—yielded nothing. The second floor—more classrooms, a storeroom, the men's washroom—showed no evidence. At the top of the stairs on the third floor, a policeman trod on glass.

Griffin stooped. Sunbeams, filtering through the window at the end of the hall, glinted on many particles.

Holding one to the light, "That was a mirror," Griffin said.

"And here," said Chief Strawn, who had gone toward the elevator, "is something else."

They all saw it, a smear of blackish red as though someone had drawn a paintbrush along the boards. The smear stopped at the elevator door, vanished under it and over the iron sill. They traced it back, over another sill, into a long and narrow corridor. Lockers on both sides all but touched the ceiling and the lane between was gloomy.

Halfway down this tunnel, Griffin halted.

"The ladies' cloakroom," the afternoon extras would say, "showed signs of a struggle"—but Griffin did not need the scuffed floor, the bits of hair and silk, the blood-soaked garter nor the high-heeled pump fished from a corner to inform him; that dark blob at his feet was enough. When he had stepped across it, motioning the others to remain, walked to the corridor's end and stared out at the rows of desks, he knew indisputably that here Mary Clay had met her murderer. And there, where the blob of blood congealed, he had killed her.

The little prosecutor's face, as he returned, was like a hammer.

"Chief, put a man on this door and another on the door from the classroom into the hall. I want to talk

to Buxton." Chief Strawn nodded, obediently.

\* \* \*

At ten o'clock that morning in the city room of his newspaper, Brock hung up the telephone, gathered the sheets of paper on which he had been scribbling, pushed back his wet hair and tramped toward the office of his managing editor. For six hours he had been at the telephone and typewriter without a letup except for lighting cigarettes and drinking coca-colas. Now, four floors below, the presses rolled with his fourth "lead murder;" he had time to report and consider before writing his fifth.

To his managing editor, city editor and editor he spoke precisely, the words as unhurried as his long drags and exhalations of smoke.

"Redwine is still the likeliest suspect. Griffin's got him incommunicado at the county jail. He hasn't confessed yet and you know his story. There's nothing to add to it. But the police have arrested two other people. Took 'em to police headquarters."

Cigarette—suck—blow. The three editors waited.

"One of them is a girl. Imogene Mayfield, eighteen, 235½ Poplar Street, employed as a saleswoman at the Mayfair Bazaar. She really isn't under arrest, she's a friend of Mary Clay's and she's held for questioning. Imogene talked plenty. She saw Mary Clay yesterday afternoon, she may be the last person to have seen Mary Clay alive. That was between one and two o'clock. Imogene remembers the time because she didn't get off from work till twelve and she got a finger wave and a manicure at the beauty parlor before she met Mary Clay at

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Scarlatti's drug store. They 'didn't have a date exactly'—Imogene says—but Scarlatti's is a sort of hangout for girls around town—you all know Scarlatti's—and she wasn't surprised when Mary Clay walked in. They had a drink together and this is where her story is important. Imogene remembers she had a coke and cherry, she remembers Mary had a chocolate egg malted milk. Now look at the report of the Medical Examiner—it's in that early edition there—"food in stomach undigested"—even stuff that's as easy to digest as egg malted milk. Do you get it? Mary Clay must have been killed within an hour after she left Imogene Mayfield!"

Brock shook a fresh cigarette from crumpled cellophane, lit it and drew deeply.

"How do you know egg malted milk is easy to digest?" said the city editor.

"I don't. But they feed it to invalids, don't they? Okay—I'll check on that. But get this: Mary Clay left the Mayfield girl before two o'clock. Imogene remembers because they both looked at the clock. She says—I'll read from my notes—I asked Mary what time she was meeting Joe and she said two o'clock and we both looked at the clock and it was a quarter to two and Mary said she just had time to go back before she met him—and what do you think Mary 'just had time' to go back for?—her vanity case she'd left at the business college, and that was the vanity case I found beside her body!"

The managing editor said, "You go too fast for me, Brock. First you talk about the time element and then a date she had with Joe Somebody and now you switch off to the vanity case . . ."

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Brock puffed. "I'm sorry, sir. But it's all significant if you hitch it up. I'll go back to the time. If you grant what she drank was easily digestible and you accept the doctor's report that the stuff in her stomach was undigested—milk and malt, he said, and that checks with Imogene's story—then if you believe Imogene, who says Mary Clay left the soda fount at a quarter to two, you've got to believe Mary Clay was dead before three! Isn't that a reasonable theory?"

"It may be," said the city editor; "but I don't see where it's important. We knew already she was dead hours before you found her."

"Ten to twelve hours," said Brock. "I think it's important. There must have been a lot of people in and around that building as early as three in the afternoon. It simplifies the case to fix the time of death—and it complicates it, too. Why, somebody may have followed the girl from the street. *Anybody* might have killed Mary Clay!"

Brock's haggard eyes flamed. His editor said, "Suppose you let the theorizing go for the moment, Mr. Brock, and get back to the facts."

"Yes, sir. I mentioned the vanity case. It's a minor point but it struck me as dramatic that the thing she went back for—the thing that inadvertently caused her death—was found with her in the basement. Queer, too, because Meredith phoned from the building a while ago that the cops say they found signs of a struggle on the third floor as if she'd been killed there and not in the basement. Was the vanity tossed down the shaft with her body? However, that can wait . . .

"This Joe she had a date with, they've got him. He's

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the second person under arrest—really under arrest. And he looks like a suspect.”

\* \* \*

They had not put the handcuffs on him or even ridden him down in the wagon like the time they pinched him and those other kids for rocking the carbarn. The foreman had come into the machine shop and said, “You’re wanted outside, Joe,” and when he went out, there was this flatfoot who said come along and didn’t tell him till they were halfway to town on the street car why he was wanted. This flatfoot kept asking him where he was yesterday afternoon and last night and of course he lied—who wouldn’t to a dick?—and said he was playing pool with some of the boys some of the time and in a movie some of the time and some of the time he didn’t remember. Then this flatfoot said, “Do you know a girl name Mary Clay?” and he had to say yes and before he could take it back, the flatfoot said, “She’s dead—murdered—did you know that?” He couldn’t say a word for a minute; when he did, it came out so jumbled up it sounded like a lie. “Save it, kid,” said the flatfoot, “for the district attorney,” and the rest of the way he had sat like a dummy with every other feeling drowned in a great wave of fear.

Now he sat behind bars, looking through bars at a grimy wall and the fear receding but not much. They had booked him—Joseph Turner, white, nineteen, machinist’s apprentice—and various men had come and stared at him, some of them newspapermen, he supposed, since they had asked to take his picture. He had let

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them, being too full of fear to say no. But they had not told him anything so that he still knew nothing, only that Mary was dead, and if they had asked him nothing—"You'll have to wait for the d.a., boys"—that hadn't helped much since he still did not know what to say when the d.a. came.

He must tell the truth, he supposed, or part of it. Maybe he could get away with only part of it. That part about knowing Mary and going with her steady for a year, he would have to tell that because everybody knew it. But they didn't know all of it, not the part only him and Mary knew. Even Imogene Mayfield didn't know that—unless Mary told her—and he was sure—sure!—Mary hadn't. Mary would never tell that part to a soul. She'd swore she wouldn't and she had made him promise—afterwards and every time afterwards—that he wouldn't tell.

And he hadn't told, had he? Never in so many words—never by name. God, you couldn't call that "telling," could you, the way fellows talk? They didn't have a thing on him, not one of those guys. God, you can't burn a fellow for going with a girl, can you? Nor for—that. His mind winced from the word.

He guessed he'd better tell about having a date with her . . . She stood me up, sir. I was off, see? It was my day off at the shop. And she was to meet me at two o'clock at this corner—see?—where we always met. She had to go to school in the morning but she thought she'd be off in the afternoon and she said she'd take off, anyway, if she wasn't. She promised. We were going to a movie. Clark Gable at the Strand. So I waited. But she stood me up, she stood me up . . .

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He felt a little sick, remembering. How he had waited, ten minutes, fifteen minutes, a half hour. He had kept looking at the clock in front of the jeweler's and lighting cigarettes and smoking them and flipping them away. He had watched for her in the crowds, at first eagerly, seeing her in his mind, and then with his mind thinking up the cracks he would make when she finally came. "Joe!" she would say, "I'm sorry, Joe"—but he wouldn't give her a thing, though her hand was hot and squeezing on his forearm. By two-thirty he was mad enough to bawl hell out of her. By two-forty-five his anger was cold rage. If she didn't come, by God, if she didn't come . . . It was then he decided to go to the business college.

He had started up the steps and this nigger had come to the door and said what do you want, this place is closed. I'm looking for one of the girls in the school, he had said, and the nigger said, "The girls is all gone." That made him mad; he was about to push past the nigger when this white fellow came out and said, "What is it, Redwine?"—or some such name. "He's huntin' for one of the girls," the nigger said and the white fellow had looked at him and said, "The school is closed, nobody's here." So he had gone off and found some of the boys and shot pool with them like he told the dick he did and thought savagely to himself, "I'll fix her, I'll fix her for standing me up." Now, remembering what he had thought, he shuddered, for Mary was dead now and all the time he had been thinking I'll-fix-her she may have been dead.

Well, should he tell the d.a. that—should he tell him he went to the college looking for Mary Clay?

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But of course, he would have to—for the nigger would remember and that white fellow would remember and they would tell the d.a.!

Suddenly his fists clenched, doubling against his chest, and a voice inside him began to shout, I didn't do it, I didn't do it, I didn't do it . . .

\* \* \*

"Whatever you write, Mr. Brock," said Brock's editor, "don't let anything inflammatory get into the story. If this colored janitor is guilty—and he seems to be—let the police accuse him, not us."

"Yes, sir," said Brock.

"You see, Brock," said Brock's managing editor, "we're afraid of a repetition of the 1920 race riots. You weren't here then but you probably know they were preceded by a series of assault cases, just like we've had recently, and the papers got blamed for stirring up feeling. We don't want that to happen again."

"No, sir," said Brock. "The jail's pretty strong, sir."

"You'd better," said the editor to the managing editor, "take the streamer off the home edition. A three-column head will do, I think."

"Yes, sir."

"And try to keep the runover in one page."

"But look here, sir," said the city editor, "we can't do that! We already have three pages of runover stuff and—look at the *Advocate*! They're going to this story two and nothing! They're sore because Brock scooped them."

The editor and managing editor regarded Brock—



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distastefully, he thought. He ground out his cigarette with his heel.

"Is that all you want, sir?"

"Yes, Brock. Thanks, boy. Swell work you did, kid!"

Outside the managing editor's office, Brock apostrophised an unheeding city room. "Play it down!"—"Three-column head!"—"One page of runover!"—"Yes, sir! No, sir! Very good work, sir!"—Hell's bells and monkey nuts, do they think this is a newspaper or the *Literary Digest*?"

Half an hour later, when the city editor spoke across his banging typewriter, Brock only swore.

"Well, read it when you get time—something Stanhope phoned in. We can't print it the way it is—but it's interesting."

"Will you please go to hell," said Brock.

But when he had finished, he walked to the city desk with the typed memorandum in his hand.

"Look here," he said, and he was frowning, "there may be something in this. Somehow I don't believe the nigger's guilty and they say this kid Turner has an alibi. She was 'crazy about him,' this says—well, that may mean much or nothing. I'm going over to talk to Andy Griffin. It's about time I checked with that bird, anyway."

\* \* \*

In the haven of his own office Professor Buxton felt like a man drifting in an open boat; around him his familiar possessions leered callously.

It is destroying for the books, the pictures, the inanimate friends of years to turn mocking in a clock's tick—

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for the very chair, which for so long has cuddled one's backsides in the embrace of a congenial old trull, to stiffen with disbelief. Had Professor Buxton owned a wife, he would have felt her disloyalty no more dismayingly than he did the desertion of these, his chattels. His school, his castle—and this, its office, its throneroom—were, in fact, as dear to him as a wife and the sudden change in their aspect shook him to the heart.

"I tell you, gentlemen," he repeated, his voice quavering, "that is positively all I know."

The inquisitors examined their feet and the ceiling. It is not agreeable to watch an old man cry. When the old man is a coward to boot, his tears can be disgusting.

Griffin said, "I think, Dr. Buxton, we will adjourn this conference to headquarters. Perhaps I shall ask you some more questions later."

Buxton's rheumy eyes beseeched him. What else could he tell? What more could he do for them? Had he not accompanied them step by step over the "scene of the crime?" Had he not forced his feet across the pool of blood itself—explained each room, each desk, each cubbyhole—stood by while they searched every cranny—opened his records to them—described his students, his colleagues, his hired help—patiently answered even those questions that curdled him with their insinuations, and all the time woe and ruin crushing him like the clap of doomsday—had he not "cooperated"? Yet this tyrannical little man in the derby hat, who so suavely called him "doctor," would not let him go. Nay, in the very form of the tyrant's refusal, doom marched.

"Do you mean, Mr. Griffin, that I am—detained?"

"Oh, no, Doctor, not necessarily. Though 'detained'

is a good way to put it. Certainly you are not under arrest. But, as I said, we should like to continue this session at police headquarters. Chief, will you make the Doctor comfortable till I join you? It won't be long."

Buxton's feet stumbled as he rose. The Chief involuntarily put out a helping hand, but the old man shied from it. He went out under his own power, a cloud of police at his heels. On the steps, facing the cameras, he struggled for a smile. It was not a good effort, for above the photographers' whirring shutters, he could hear the gasp of the crowd.

Harmon Drake, appropriating Buxton's easy chair, grunted appreciation. He said, "And now where do we stand, Andy?"

"What do you think?"

"I think the old boy told a damn shaky story. Admits he was here till two o'clock. Admits he saw the girl go in—or he supposes it was Mary Clay, though he wasn't sure of her name. Swears he left immediately but can't account very well for the next hour. At three he says he was in the oyster bar of the Channing House. Very well—there'll be witnesses to that. But he'll have a tough time proving an alibi for the interval. 'Watching the parade?'—Who saw him? Also, I'd be willing to bet he did know Mary Clay's name or at the very least her pretty little face and her pretty little figure—I'd be willing to bet they'd been bothering him for a long, long time! Did you notice his eyes when he described her appearance?"

"I did. Buxton's a lecherous old goat."

"Exactly. A lecherous old goat tells a damn bad story about a girl who was raped and murdered in his school

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soon after he admits encountering her on the doorstep. Yet you'll probably tell me he isn't guilty because it isn't nigger nature to stay with corpses and it isn't the nature of old men to rape little girls and toss 'em down elevator shafts!"

"As a matter of fact, Harmon, I was thinking along precisely those lines. Rape is in Buxton's nature. He probably leched for her whenever he saw her—in his heart of hearts he doubtless envies the man who raped her—he would have raped her himself if he'd had the nerve. But he didn't."

"Why not?"

"Buxton's a coward. Furthermore, his 'institute' is everything to him. If he had trapped her in his own office—and he could easily have lured her here on some pretext—he might have started something. But I doubt very much that he would let himself be swept off his feet in a classroom where anybody might have walked in and caught him. Sure, there's evidence against Buxton—more, I think, than there is against the nigger—but I believe, Harmon, we must look for a younger man, a stronger man, probably a white man and a man who was known to Mary Clay."

"Why do you say that? You're going Sherlock Holmes on me."

"Oh, no—I wish you'd leave detective fiction out of this, Harmon. The conclusion is simple. What did Briggs say the Mayfield girl said—about why Mary Clay returned to the school?"

"To get her vanity."

"All right. You saw that room upstairs. Mary Clay's desk was in the middle of it. Her purse was on the desk,

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as if she'd laid it down for a moment. One drawer was open, as if she'd picked up the vanity. But there were no signs of a struggle near the desk. The lipstick, her hat, her handkerchief, her shoe, the bloody garter, all were near the entrance to the cloak room, which was twenty feet from the desk. The vanity itself was found with the body. All right. What happened? My guess is that someone was either in the classroom when Mary Clay came in or entered while she was there, that this someone was known to Mary Clay and that he induced her—without a struggle—to go to the cloakroom. She left her purse on the desk, but she kept the vanity in her hand because she was pleased by its recovery. Not until this man got her in the cloakroom did he attack her. He was known to her because, otherwise, she wouldn't have been likely to accompany him to the cloakroom. And by the same token, it wouldn't have been likely for her to go there with a nigger or Buxton, who's an unattractive old man. What do you think?"

"I've got a better theory," said the secretary. "What's the first thing a girl does when she finds her lost vanity? She powders her nose. Mary Clay left her purse on the desk and walked to the window to make up. There's a window, you'll remember, next the entrance to the cloakroom. Mary Clay was standing there when the nigger—or Buxton, if you please—jumped out of the cloakroom and grabbed her."

Griffin chewed his cigar. "All right," he agreed, "but why didn't she scream?"

"Because he was too quick for her. And how do you know she didn't?"

"I don't know. But I'll find out. We'll make tests. At

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least, you'll admit this much: she wouldn't have screamed if the murderer was well and favorably known to her, more especially if the murderer made love to her and she didn't object *until it was too late!*"

"A little far fetched," said the secretary, "but it may stand up. Have you anyone in mind?"

"I have everyone in mind. Buxton says half his students were male. That's about sixty men and boys. I want you to take those records and draw up a complete list—names and addresses. If necessary, we'll make every man jack prove an alibi. And include the faculty while you're at it. You might as well stay here and get busy on that now. I'm off to headquarters."

In the bright light of out-of-doors, Griffin blinked and held up his hands. The newspapermen stormed him.

"Please, boys—I can say nothing yet—absolutely nothing!"

But to one he listened.

"All right, Brock—get in the car. You can talk to me on the way to headquarters."

\* \* \*

On this day, April 27, the day after Confederate Memorial Day, the midafternoon sun suffused the city with long and tranquil light. Earth and sky seemed to merge in a confluence that gives to Spring in the far South its air of incredible lushness. Yet almost nowhere did people think or speak of the loveliness of the day.

On the newstands the extras lay black and glaring. They sprang into the hands of pedestrians, the tonneaus of motors and the aisles of trolleys, and along the streets of quiet suburbs they hurried to children and nursemaids

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and old ladies rocking on drowsy verandas. They were read at country clubs by golfers trudging in from the last green and in riverfront saloons by workmen in a fog of beer and weariness.

Governor Mountford deferred the signing of bills to read. His wife, retrieving her paper where the carrier's toss had cleared the stoop, permitted a shocked ejaculation to the mansion's broad lawn. In the kitchen her cook said gawdamighty to the grocer's boy. Arrivals in the city read as they unpacked their bags and at the flagstop of Flodden, when the train whistle had died, the station-agent stared first at the heavy type and then, with puckered mouth, at the unsuspecting town and the smoke above the dogwoods where Mary Clay's grandmother fed her pinelogs fire.

Very few people, reading of this little girl's death, experienced the usual human relish in tales of violence. She was so young and her end so brutal that everyone, though he was fascinated or repelled according to his nature, looked at her picture—the child's smile, the bow in her hair—with pity and indignation. And turning to the pictures of Tump Redwine, Joe Turner and Dr. Buxton, they shook their heads, saying to themselves, "If he's guilty, lynching is too good for that fellow."

Because she was, after all, a nobody, and murder, however gruesome, is not uncommon in most American cities, the press associations did not carry Mary Clay's name, then, to those millions north and west who later were to know it so well. Mr. and Mrs. Thomas Hale, discussing in their Bayside home the latest Long Island ripper case, agreed that Robert, however they missed him, was better off in a more placid locality.

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Robert, at the moment, was prone on his living-room couch, reading his paper by the last bars of sunlight trailing through the apartment window, while Sybil, coiled beside him, studied three faces and wondered how any man could have done so monstrous a thing.

She felt a little uncomfortable to be connected, even remotely, with a front-page sensation. Yet it was thrilling, too. What was she like, Robert? Did you know her well? Was she really as young as that—and as pretty? That negro has a bad face—I hate negroes, they frighten me—do you know him, Robert? Robert, tell me what you think! . . .

He answered all her questions, eagerly at first and then frowning, shaking his head, troubled. And she guessed at once the cause of his trouble and said to him, "Darling, don't mind, what do we care if the school closes, if you lose your job? You'll get another, or I will, or we'll go back North—don't worry, Robert—please don't worry!—what do we care?"

He said, reading, "I'm not worrying."

Sybil got up from the couch. All at once she was tired of thinking of the murder. She fixed her hair, straightened the rug and walked to the window. The afterglow of early evening rested on their street. The street strolled—a couple with a baby carriage; a man coatless, his hat in his hand; three girls with arms interlocked; two colored men with guitar and mandolin. The tinkle of the instruments chimed with the voices of children in the park and the sound, like the strolling people and the soft light, seemed reaching upward to soothe and reassure her. Yet she was not soothed.

"Robert," she said.



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He did not answer.

"Robert, let's do something tonight. Let's go to a movie—or something."

Without looking up, he tapped the paper. "By George," he said, "do you know what?—I recognize this fellow! I remember him now, he came to the college yesterday afternoon!"

"Yesterday afternoon?"

"Yes, when I was there. This same fellow—this Joe Turner—he was out in front talking to Redwine and I went out and Redwine said he was asking for one of the girls. I wonder . . ."

Sybil said again, "Yesterday afternoon?"

When he went on reading, she said, "Robert . . ." and stopped.

She made as if to say something more. After a minute she said nothing.

She returned to the window and stood there motionless, staring out at the gathering darkness.

\* \* \*

These things happened between noon and dusk that day . . .

A woman telephoned the police that while she was watching the parade with her little girl the day before, she noticed a dark, foreign-looking man behaving in a suspicious manner.

District Attorney Griffin tucked Bill Brock's memorandum into his pocket and after assuring the reporter that Tump Redwine was guilty as hell, dispatched a detective to find one Marcella Hawkins.

Marcella Hawkins, discovered washing her hair at

home, at first denied and then hysterically admitted she had said that Mary Clay was in love with Professor Hale. Before her hair and her hysteria were dry, she had implied much more.

Secretary Harmon Drake, busily copying names, stopped long enough to assemble information that Robert Edwin Peary Hale was twenty-seven years old, that he taught shorthand and business English at Buxton's, that he had come there eight months before from New York City, that he was married and lived at the Bedford Arms Apartment, 250 Sycamore Drive.

A woman telephoned the police that while she and her husband were out riding the night before, they passed a parked car and heard a girl scream. When they stopped, the other car sped furiously away.

New York police began a hunt for the criminal record of Robert Edwin Peary Hale.

Professor Buxton, alone in a room at police headquarters with District Attorney Griffin, and sweating pitifully, let fall the fact that Mary Clay was in Professor Hale's class. Hale's office, he said, was on the third floor. It was just off the classroom. He could not remember whether Hale was at the college when he left there. He did recall that Hale, who was a Northerner, had not known the day was a half holiday and had seemed surprised and resentful on learning it. Now that he thought of it, he remembered that he himself had dismissed Hale's class in Hale's presence. That must have been after one o'clock because all the other pupils except Hale's left promptly at one. But Hale—Professor Buxton wheezily assured the district attorney—was beyond suspicion, a young man of the highest character

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and, moreover, practically a bridegroom.

District Attorney Griffin ate a chicken sandwich, drank three coca colas and started his ninth cigar.

At the Buxton Building, cold horror gripped the street crowd. Shriek after shriek—a woman's—shrilled from an upper floor. Secretary Drake thanked Miss Hazel Finney for her cooperation and advised his chief that, if Mary Clay cried out when she was attacked, her cries must have been heard.

Thirty people telephoned the police that another murder had been committed at the business college.

In the matron's room at headquarters, Imogene Mayfield, tall, blonde, mottled with pallor under her rouge, managed to smile on the newest intruder. Here, for all his stub size, was a gentleman, which was more than she could say for those other muggs. Yes, Mary had often mentioned Professor Hale—"Mister" Hale she'd always called him. Now that she recollected, Mary had mentioned Mr. Hale in their last conversation, sort of panned him for not remembering the holiday but sort of raved about him, too. No, she didn't know if Hale had ever made "advances" to Mary, but if he did, she wouldn't have known about that. She glowed on the district attorney. Even though—she said—she was Mary's best friend and Mary hers, they didn't tell each other everything. The district attorney examined his cigar.

A woman telephoned the police that a week before, while she was looking out of a window six blocks from the Buxton Building, a tall, ginger-colored negro exposed his person. She refused to give her name.

Joe Turner faced the d.a. . . . "It was like this, sir,

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see? I had a date with Mary and she stood me up. Sure, I'd known her a long time. Sure, we was good friends. Yeah, sweethearts as you might say . . ." Joe Turner's mouth twitched. Suddenly he began to cry . . . "I'd had her, sir! I'd had her! But I didn't do it, I didn't do it . . ." The d.a. sat down. He said, "I guess you'd better tell me all about it, Joe."

". . . And when you went to the college, Joe, what time was that?" "Three o'clock." "And this white man, would you know him again?" "Sure I would, sir. He was taller than me and maybe a little thinner. But he was kind of husky, too. He had on a brown suit and a red tie and a handkerchief to match—I remember that—and he wore a soft hat and spectacles . . ."

"Colonel Griffin . . ."

The interruption was exasperating, but Chief Strawn was not a person to be tossed out rudely.

"Yes, Chief?"

"Will you step here a moment, Colonel. It's important."

In a corner of the cell-block, Chief Strawn said, "Laneart phoned from the college. He searched that basement again and he found something stuffed away at the bottom of a pile of trash. It was a bloody shirt."

"A bloody shirt?"

"Soaked with blood, he says. It was dry but it looked like fresh blood. The shirt was a blue workman's shirt with the sleeves ripped out."

Griffin's cigar preoccupied him. When he had tamped it sufficiently and returned it to his mouth, he said, "That's very interesting. I suppose Laneart is rushing down with the shirt. When you get it, I wish you'd

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send it over to the Gutterson Laboratory. I don't know much about those things, but I'm told science can do miracles nowadays with a few drops of blood. Tell the race, tell the sex, tell the age. Tell whether it's human blood or—for instance—chicken blood. I'd like to have that whole shirt analyzed. Maybe science can tell the difference between nigger sweat and white sweat, too. That shirt, Chief, may be mighty important."

"I'll do it, Colonel," said Chief Strawn, who was an earnest and an honest cop. "If it's Redwine's shirt and the girl's blood, we've got him!"

Back with the prisoner, the d.a. renewed his questions. "The nigger, sir? Well, I don't remember rightly exactly how he was dressed except he had on pants and a shirt. Yeah, it might have been a blue shirt, it was just one of those shirts like all niggers wear with the sleeves ripped out. Blood? No, sir, I certainly would have remembered if I'd seen blood on it."

A woman telephoned the police. This man who attacked me—she said—was a tall, ginger-colored negro or a dark foreigner. I never told a soul about it at the time, but now I feel it's my duty . . .

And where did this happen, madam?

Riverside, about six miles from town.

And when did this happen, madam?

Well, it was about three years ago, but after I read the papers today I felt it was my duty . . .

\* \* \*

The man with the keys stopped on the third floor of the county jail and pushed back a small window, head high, like the peephole of a prohibition speakeasy.

"There's your client, Mr. Foster," he said.

The man with the umbrella had to stoop to see. In his Texas sombrero and his old raincoat he resembled, with his gaunt and melancholy face, a character out of Mark Twain or one of Dickens' American sketches.

Tump Redwine lay on his back under a blazing electric bulb. They had given him a pair of duck pants and a clean cotton undershirt; against the white cloth his skin shimmered like new coal. I don't see a mark on him, thought the tall man.

"I reckon," said the man with the keys, "if that chair breaks down, we can use you for a gallows, Mr. Foster!" He brayed uproariously.

"That's right, Charlie, that's right." The tall man, straightening, managed to look benevolent without smiling. "Now, if you don't mind, Charlie, I'll be seein' you. You won't regret this, Charlie."

The tall man sat down on a stool. After the door had clanged, he continued to sit there, one leg jack-knifed over the other, staring at Tump Redwine as Tump snored into the fierce light.

"I reckon they gave you the works, at that, black boy," he said aloud.

He leaned over Tump Redwine and shook him. He shook him again.

"Wake up, boy! You Tump, wake up!—They got you, nigger, the Ku Kluxers got you!"

Screeching, the negro woke. He groveled in a corner of the bunk. There he moaned and shivered for several minutes while the tall man, rumped back on his stool, shook with silent laughter.

At last the negro spoke. "Who is you, white man?"

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"I'm your lawyer, Tump."

"I don't want no lawyer."

"Oh, yes, you do, Tump—that is, if you care what happens to you."

"Whut happen to me can't be wuss'n whut happen a'ready."

"Oh, yes, it can. They can electrocute you."

"'lectrocute me?"

"Burn you in the electric chair. In the hot seat. One jolt—a little smoke—a little stink—puff!—and God have mercy on your soul."

The negro's eyes walled white.

"I don't want no lawyer," he repeated.

"Or they can lynch you. They're liable to lynch you for this crime whether you got a lawyer or not. But a lawyer might help. When they lynch you, Tump, they cut you a little first—here—before they hang you—and then they burn you some. You'll probably be dying for quite a while before they break your neck. Or did the cops tell you all that?"

The negro did not answer. In the silence the dry working of his chops was audible.

"I ain't got no money to pay no lawyer," he said.

"Well, that's bad, Tump—bad. There ain't many lawyers would represent you without you paid 'em and paid 'em in advance. But I happen to be one of those fool fellers that likes to gamble. Maybe I won't get anything but a headache if I take your case, but I got a gambler's hunch it'll mean more than money to me. You know what publicity is, Tump?"

"Naw, suh."

"Your name in the paper—reporters printing what

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you say—mighty good thing for a lawyer. I'm willing to take your case for the publicity that's in it. Understand?"

"I don't pay you nothin'?"

"Well, if you get any money—if there's any money around—if I save your life—but we'll let that go. I'm your lawyer—is that right?"

"Whut your name, mister?"

"Foster. Colfax Foster—at your service. I may not be the richest lawyer in this town but I'm not the dumbest. Ask Charlie Hopper downstairs—he'll tell you. Now I want to explain something to you, Tump. When a man hires a lawyer, like you've hired me, he can tell him anything he's a mind to and that lawyer has got to keep it to himself. That lawyer is like a priest—like a preacher—if you confess something to a priest, Tump, he can't tell it to another human soul if the Pope himself commands it. So if you want to bust down and confess this murder to me, Tump, go ahead—I'm your lawyer, I won't tell."

The negro glowered.

"I ain't done no murder."

"All right. The Lord knows I asked you. My conscience is clear. Let's get on. Who did it then?"

"Who done it?"

"Precisely—who? Someone at some time yesterday—the papers say between two and three o'clock in the afternoon—killed little Mary Clay on the third floor of the business college and left her body at the bottom of the elevator shaft in the basement. Who was it?"

"It war'n't me."

"I know that. Now tell me who you think it was."



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"Don't ask me, boss. I dunno. I done tole 'em eve'y-thing I know. I found 'at body. But 'fore God, Mr. Foster, I dunno how it got there."

Mr. Foster rocked on his long legs. He shook his head.

"It won't do, Tump, it won't do. It's not enough. I've made a little study of this case already. I've read the papers, I've talked to the detectives, I've been down to police headquarters and I know some things you don't know. I know, for example, that the cops believe you did it. They're trying to make you confess."

"They sho' is, boss!"

"Tried to beat it out of you, didn't they? Well, if they can't beat it out of you—and I won't let 'em any more, Tump, I'm your lawyer now—they'll try to pin it on you. Did you ever own a blue shirt, Tump?"

"Yes, suh—'bout the onliest shirt I got's a blue shirt."

"With the sleeves torn out?"

"Yes, suh—at's it."

"Where is it?"

"I dunno—they done taken it away from me when they 'rested me."

"That was this morning, wasn't it? Well, the cops late this afternoon found a blue shirt, with the sleeves torn out, stuffed in a hole in the basement of the business college and it was all bloody!"

"Lawd God, Mr. Foster, 'at couldn'a been my shirt! Warn't no blood on my shirt!"

"Uh, huh. But suppose it is your shirt and they swear you had on a white shirt when they arrested you and maybe they got a white shirt to prove it—how you

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going to prove that's not little Mary Clay's blood on that blue shirt of yours? I'm just telling you, Tump, to show you what a bad fix you're in."

The negro moaned and beat his head with his knuckles. Mr. Foster remorselessly rocked.

"Another thing, Tump—you had a bottle of whiskey in that basement, didn't you?"

"Lawd he'p me, I reckon I did!"

"And you drank a lot of it . . ."

"Drank mos' all of it, I 'spect!"

"That won't look so good, you know. And another thing—you had a magazine hid in that basement—with pictures of white women in it."

Redwine was shivering now. He gobbled his words.

"That won't look so good, either. The cops say you'd scratched some mighty ugly things on those pictures."

Mr. Foster recited in detail what the cops said.

"'fore God, Mr. Foster, I never done it! 'fore God, I didn't!"

"All right. I'm just telling you, so you'll know what you're up against. And I tell you again, Tump—it won't do. You've got to have a better story than the story you've told so far. You've got to *remember* things!"

"Whut things?"

"Everything you did. Every time you went up in that elevator and every time you went down. Particularly between two and three o'clock yesterday afternoon. Where were you most of the time between two and three?"

"Down in the basement."

"Did you leave there at all?"

"Yes, I reckon I did. Lef' when the elevator rung."

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"Oh, it did ring. Who was it?"

"Well, this one time I remember it war'n't nobody. It was foots goin' up the stairs."

"Footsteps on the stairs. And you didn't see whoever it was?"

"Naw, suh. I go up to the fust floor, where the bell was rung. Ain't nobody there. I hear foots-steps goin' up and I let 'em walk."

"I see. That's interesting. Did you run the elevator any more? Did you, by any chance, run it up to the top floor so that, if somebody on the third floor threw that body down the shaft, you wouldn't have seen them?"

"Yes, suh, reckon I did. I run it up two, three times 'at afternoon, makin' my rounds."

"Now, listen, Tump, did you leave the building any time yesterday? I mean before you got off at six."

The negro scratched his head. He said, "Well, I ain't told it before 'cause nobody ask me and I think maybe it get me in bad. I lef' there a little while to go watch the p'rade."

"What time was that?"

"I don't rightly know. I ain't got no watch and I don't tell time good if I had one. But it was soon after them foots went up them stairs."

"You see, Tump, you're beginning to remember things. Things you did. Can you remember things other people did?"

"Who else?"

"Well, I told you the cops believe you did it and that's bad for you. But I'll tell you something good—Andy Griffin don't believe you did it and what he believes is a damn sight more important than all the cops

between here and hell!"

"Is 'at right, Mr. Foster? 'at's fine, suh, 'at's fine! Mr. Griffin—who he, suh?"

"He's the district attorney. He's the man who sends you to the chair—or, since you didn't do this murder, whoever did. He's mighty likely to do just that, too. Whatever you say about Andy Griffin, you've got to admit he's a bloodhound when he gets his nose down. Now let me ask you something, Tump—you know Professor Buxton?"

"Yes, suh, boss man at the college."

"All right. Was he around the college yesterday afternoon?"

"Lawd, Mr. Foster, 'at old man never kill no gal!"

"That isn't what I asked you. Besides, I wouldn't put it past him. I tell you, you've got to remember, Tump!"

"Yes, suh. Naw, suh, I never see Mr. Buxton after he went away. I see him walkin' down the street right after 'at elevator rung when there was nobody there. I wait fo', five minutes after he turn the corner, 'fore I go watch the p'rade."

"Well, I guess that let's Buxton out," said Mr. Foster. "Now—do you know a kid named Joe Turner?"

"Naw, suh."

"Heavy-set, a freckle-faced kid about eighteen or twenty. He was a friend of this dead girl, Mary Clay. Maybe you knew him by sight if you didn't know him by name. Seen him around this college any?"

Tump Redwine scratched his head. Something about the repeated gesture caused Mr. Foster's forehead to furrow.

"I do recollect now," said Tump. "Was a feller

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some'n' like 'at. He come 'round to the college 'bout three, four 'clock yestiddy and ask for 'at gal. He ask for 'at same little gal! I told him nobody war'n't there and he git kinder mad and about 'at time Mr. Hale he come out——"

"Hale?" interrupted Mr. Foster.

"Yes, suh, Mr. Hale. He teach at the college. He a Nawthun man."

Between chinky lids Mr. Foster regarded his client. Tump Redwine meekly, almost blandly, returned his regard. Mr. Foster was thinking hard. He thought: I'm damned if this nigger ain't smarter than I figured he was.

He said, "Tump, your memory's improving every minute. You didn't tell the cops any of this stuff, did you? Good. I don't want you to tell anybody but me. But I want the works. First, though, I want to tell you something. They arrested the Turner boy this morning. He's under suspicion. But you didn't let him in the building, did you, so how could he have killed her? This afternoon they took down Buxton. He's under suspicion. But you say Buxton left the school, so how could he have killed her? That leaves you, Tump—you're under suspicion—and it leaves one other fellow. A while ago, Tump, just before I came over here, they arrested Hale . . ."

\* \* \*

Hale—Robert Edwin Peary Hale—Robert, her husband.

That was Robert who had lazed there on the couch but a brief gethsemane ago, absently knocking ashes into the tray. The print of his elbow still dented the

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pillow, his cigarette was a little pencil of unbroken ash where he had put it down to answer the bell. Almost she could still see the smoke curl above his paper and the lamplight's glint in his hair.

That was Robert who had looked up, frowning.

"Now who the mischief . . ."

"The cleaner's boy, perhaps. I sent out your suit . . ."

She had spoken from the kitchenette and so seen nothing and heard only a blur of voices. Then the door had closed and she had faced around and stepped into the empty room.

That was Robert who presently had opened the door, who had said, "It's all right, Sybil, they're officers. They want me to go with them to answer some questions—about the murder, you know." That was Robert's voice, Robert's quick familiar stride, Robert's eyes characteristically straining through the refracted lights in his lenses—yet voice, walk, eyes tinged all at once with the projection of her own apprehension.

"My hat," he had said.

She had looked beyond him at the man in the door, at his shoulders and knees bulking in the half-open door as though he would resist anyone who tried to close it, and she had picked up Robert's hat and handed it to him without a word. She had sensed that Robert was trembling. For that matter, she was trembling, too.

"My hat"—it was all he said. And that was Robert gone in a sputter of engines and a stink of gas floating up to where she leaned from the window toward a red dot dwindling.

Robert . . . my husband . . .

The night had taken him, impenetrable now, no

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longer soft with music, a black Southern night tasting already of summer heat.

Sybil put her back to the window, bracing herself against the sill.

A long way off, newsboys yelled through the streets.

## PART TWO





ENTERING the breakfast nook where her husband was pouring his second cup of coffee, Mrs. Henry Warren saw at a glance that his top hair was thinner, that another willow plate was chipped, that the sun showed fresh cracks in the window-shade and that the day would be too hot to do half the things she had planned. She added mentally to her list, "Make Henry rub in olive oil, bawl out Ada, price venetian blinds." She adjusted three articles on the table before she sat down, rang vigorously and said, as she straightened the vase of pinks, "Well, what does the paper say?"

"About what, my dear?" said Mr. Warren, who was accustomed to be told rather than asked things.

"About the murder, of course."

"Oh, yes—the murder. Well, they haven't found who did it yet."

"I don't suppose they have—not our precious police. But who do they think did it?"

"Well, apparently they suspect four men. Poor old Buxton. The colored janitor. A young boy . . ."

"I know," said Mrs. Warren quickly. "That was all

in the paper last night. Isn't there something new?"

Mr. Warren turned back a page. His wife, waiting while he read what surely he must have read before, forgave him once more her trials. Ordinarily she cared very little about the newspapers, holding that they were mendacious and could be much better conducted, for example, by herself; but this dreadful murder . . .

"It says," said Mr. Warren, "they have new evidence against the janitor. 'A second search of the basement where the body was found revealed, according to the police, a shirt stained with what may be blood . . .'"

"Was it the janitor's shirt?"

"I haven't gotten that far." Mr. Warren peered over his glasses. "Really, my dear, there's quite a lot of it and it's rather confusing. The paper itself seems to be a bit confused . . ."

"Oh, give it to me!" said his wife.

Mr. Warren gave it to her. Mildly he continued with his coffee as he meditated the singular barbarity of women. Economic worlds might crash on the front page; they read of hats and pretty frocks; but give them a corpse around the corner and they were at it like buzzards. Thousands of women, he supposed, were devouring the murder of Mary Clay this morning while their husbands chewed burned toast. Mr. Warren enjoyed his unspoken reflections.

His wife said, "You didn't tell me they arrested her teacher. It says here she was madly in love with him. A child like that! Put it down, Ada," she chided the maid. "And Ada, if I've told you once I've told you a thousand times . . ." Mr. Warren swung his ears shut on the invisible hinges the years had perfected for him.

When his wife resumed the paper, he opened them.

"He's a Northerner—from New York City. Only lived here a few months. A foreigner, too, I suppose. Hale—Hale . . ." She lifted her eyes, screwing them into an effort of recollection; Mr. Warren thought of Nathan Hale and said nothing. "Hale . . ." Suddenly and intensely she began to read. A moment later she had dropped the paper with an exclamation.

"It is! It is, Henry! The little woman yesterday afternoon! She said she was from New York—and lived at the Bedford Arms, the same address! She played very well, too; we set them four spades doubled. Oh, the poor thing! I really must do something—I can't bear to think of her in all this trouble. And she knows practically nobody! She was so pathetic about spoon bread! I gave her my recipe—Henry, I must run over there!"

Behind Mr. Warren's inquiring gaze, countless phantoms of his wife's undertakings trooped. He said, "You know somebody mixed up in this business?"

"Do I know somebody?" Outrage crept into her voice. "What do you think I've been talking about? Don't you ever listen to me, Henry? I just told you that Mrs. Hale, whom I met at Henrietta's bridge yesterday, is the wife of this man they've arrested! He probably did it, too—I wouldn't put it past him. A married man. And a Northern one, at that. I shall go dress at once."

Mr. Warren sighed. Getting up, he said, "All right, my dear, I suppose we must be neighborly. But please remember one thing—don't talk to any reporters."

"Oh, no!" Accepting his kiss, Mrs. Warren glowed with joy of breakers ahead. "Oh, no," she promised, "I

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won't tell the reporters a solitary thing!"

\* \* \*

The papers were confused. The city room of the *Messenger*, the morning daily, usually empty until noon, began to resound to typewriters while janitors were still clearing the floor of last night's waste. In the offices of the *Star* and the *Advocate*, evening rivals, rewrite men had been at work for hours on the *Messenger's* columns. Others hung on telephones for fresh leads from police, the county jail and the district attorney's office. Ordinary runs were neglected; legmen were pulled from city hall, the capital building, all other assignments to put full power on the Clay case. A murder mystery is the best of all possible news to newspapermen. The conservative *Messenger* might play it down; the *Star* might want to; but the sensational *Advocate* would let neither forget that murder plus sex equals circulation. The rawest cub knew that this was the greatest local story since Daisy Opdyke fed her family arsenic stew. From publishers down to apprentice boys, the jitters shook everybody. Too little was certain; too much was possible; said Lew Price, star of the *Advocate*, "Goddamit, if the police arrest anybody else, I'm going nuts!"

At ten o'clock, when telephones pealed simultaneously on three city desks, the fog cleared a little. Makeup men rushed to composing rooms, shouting, "Break up that front page! They've released Turner and Buxton!" Copy desk men were building headlines: "Mary's Sweetheart Proves Alibi; Head of College Also Absolved by Police." At that instant District Attorney Andrew Griffin opened his door to drawl to the pack

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outside, "If you boys will just hold your horses, I'll have a statement for you. Harmon's typing it now. It'll be ready in a shake."

He added, grinning, "And there's no use your talking to Colonel Foster, here. Anything he has to say will be in the statement. Is that right, Colonel?"

The lanky man in the old raincoat chuckled cadaverously.

"That's right, Colonel Griffin—gangway, *if* you please, gentlemen!" Raincoat, sombrero and umbrella flowed away like a scarecrow stalking.

An hour later, in the tower of the *Star* Building, a youth put downy lips to the microphone.

"This is Station DDX, the Voice of Dixie, Randolph Ames your announcer speaking."

Out of the tower, on a million tracks of air, the voice slid, swift as light, to the receptive tubes.

"We will interrupt our program of popular dance numbers for a moment to give you a news flash."

Out of the tower to flats and farmhouses and mansions and shacks.

"This morning Chief of Police Strawn swore out a warrant for the arrest of—just a minute—Robert E. P. Hale for the murder of Mary Clay. It is understood that the Chief acted at the instance of the district attorney of Danderry County."

Over the tracks of air, to housewives halting in their sweeping, to bartenders turning the dials louder, to a truck and a Cadillac on the River Road and an old lady dying of cancer.

"District Attorney Griffin gave out a statement that suspicion was directed against Hale largely because of

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the story of Tump Redwine, the nig— just a minute folks— just a minute— the boys are kind of crossing me up here, you know we're all kind of excited and hetted up, as it were, over this murder— because of the story of Tump Redwine, the janitor of the building where Mary Clay was killed. The district attorney refused to elaborate his statement except to say that, after talking to Redwine and Redwine's lawyer, he is convinced of Hale's guilt. That's all, folks! We will now return you to our program of popular dance numbers, played for you by Gus Gilley and his Harmony Hunters. This news come to you through the courtesy of the Press-Radio Bureau, Station DDX, the Voice of Dixie" . . . out of the tower, over the tracks of air, to the receptive tubes.

\* \* \*

Sybil did not know that Robert was arrested until some time after she tried to telephone him. The sun woke her, fully dressed, on the bed where she had cried herself into incredible sleep. She called, "Robert!" In the hush that followed, she crashed from her daze into shattering realization.

She hurried to the drug store. The telephone book blurred under her distracted search; how on earth did one call police headquarters? She finally found the number, in heavy black on the first page, and a gruff voice told her to wait. The interval seemed eternally long. "Mrs. Hale?" said another voice. "Your husband is all right but he can't come to the phone now. If you wish us to send an officer out there . . ."

"No!" she cried and hung up. The druggist's stare

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followed her; she was too unnerved to care.

The hours crawled. She could not eat; if I had any whiskey, she thought, I would take a drink. She began to tidy the rooms until Robert's slippers on the closet floor brought sobs choking to her throat. Desperately she turned on the taps in the tub. The roar of water calmed her. She bathed and dried herself and dressed in a clean frock. To be sweet for Robert when he comes, poor dear! Or in case I should have to go out . . .

Her teeth set. Impossible to cram down the terror—uncertainty of what was happening, ghastly visions of what might be.

She kept repeating, "Nonsense! they're only questioning him, like they're questioning everybody—don't be a fool, he'll be home any minute."

But as no key scraped the lock, hysteria began to shake her. If there were someone—anyone she could talk to! She had no real friends here. It would be dreadful, now, to see any of those women she knew. And New York was so far away. The folly—the extravagance—of a long distance call. And Robert would never forgive her if she bothered his family needlessly. She was pacing from room to room, touching things and crying as she touched them, when the apartment door-bell rang.

She had never seen before the stout man in the wrinkled seersucker suit. He took off his straw hat, beaming through trickles of sweat.

"Good morning, Mrs. Hale—it is Mrs. Hale, isn't it?—I trust you won't consider this an intrusion, your husband thought quick action would be smart action and I thought I might . . ."

"My husband!—where is he?"



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Her gripping hands were raised in supplication.

"He's all right. Everything's going to be all right, Mrs. Hale."

"Have you seen him?"

"Well, no, I haven't exactly seen him, but mighty good friends of mine have seen him and we all agree that quick action would be smart action. I've got good friends in the police department, Mrs. Hale—mighty good friends—you want to remember that, ma'am—and the best advice I can give you is quick action. A writ of habeas corpus, that's the ticket. Now if I might present my card . . ."

She took it; she could not read it; she could scarcely hold it; she sensed rather than saw that this man was a lawyer. Robert! Robert! her brain pounded. But she opened the door wider. "Come in," she said. Mr. T. Philip Bruce came in.

He sat down, he fanned himself, he beamed elsewhere to give the little woman time to compose herself. Just heard about it, I reckon; good thing I hurried; better sew her up pronto before anybody else . . .

"Now, Mrs. Hale, you don't have to worry about my fee. I know how most folks are, they think lawyers are out to gyp 'em, they're scared of lawyers and, if I do say it, nine times out of ten they do well to be. Ha, ha! But we Bruces ain't built that way. No, ma'am! you won't regret putting your husband's case in my hands. Let's not talk fee for the present, let's talk action to help the boy out of this jam he's in."

Sybil trembled on the rim of her chair.

"But I don't understand! I don't know! What have they done . . ."

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Before she could go on, the doorbell rang.

Bruce's eyes jumped like rabbits. He said swiftly, "Ask who it is!" He was too late. She had opened the door.

Voices. "Mrs. Hale?—Price of the *Advocate*—This is Mr. Flanagan, staff photographer of the *Advocate*"—"How-do, Mrs. Hale"—"If we may come in for a moment . . ."

They were in before she could invite or deny them.

"Why, hello, Fatso!" said Lew Price—he grinned pleasantly—"I thought I heard an ambulance just ahead of us."

The lawyer had gotten up. To Sybil, turning from him to the newcomers, the remarks of all these men were as inexplicable as their presence here. She was utterly bewildered.

Lew Price had a halfback's shoulders and skyblue eyes. He charmed copy out of the dumb and the adamant. He said, "Mrs. Hale, it's awfully nice of you to talk to us. But it's really the very best thing you can do. Mr. Bruce will advise you that's so. Eh, Bruce? You want the public on your side and there's nothing you can do to help your husband more than to let the press have your story. I promise the *Advocate* will give you a good break . . ."

The doorbell rang again.

"Hell," said Price, "that'll be the *Star*."

The room was full of men now—"Brock of the *Star*, Mrs. Hale"—"Miggs of the *Star*"—"Simmons of the *Messenger*"—"Hello, Lew, beat us to it, huh?"—"Well, well, if it ain't old Go-Getter Bruce!"—swarming across the threshold, crowding the corners,

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the couch, the kitchenette, seeming to block out the very air with their bulk and the bulk of their cameras and the flourish of their hats. Sybil felt a zoo of faces bearing down on her.

She looked up into the friendliest.

"Please," she said, "where is Robert?"

"Well, Mrs. Hale," said Lew Price, "I believe they're taking him over to the jail this morning. That's what they usually do when they're through with 'em at headquarters."

"The jail?" she said, then wildly—"but Robert has done nothing!"

They all stared at her without smiling.

Lew Price buckled on a frown and broke the tension.

"Didn't you know, Mrs. Hale, that your husband has been arrested for murder?"

He saw the eyes close, saw her begin to fall as if she were sliding away from him through a trap door. As he caught her with one arm, he waved the other like a flagman.

"Get it, Tommy!"

The flashbulbs were banging before they had splashed water on her.

\* \* \*

" . . . easiest thing to plead guilty and throw yourself on the mercy of the court, but I must warn you before you answer that anything you say may be used against you," concluded Detective Tucker.

The trio—Tucker, Laneart, Briggs—regarded Hale stonily. They sat like a circle of fat oracles who could reveal much but chose to withhold everything. They seemed charged with power, assurance, compe-

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tence and resource; actually, all three were worried sick.

This was the bozo they were required to convict of murder—this long, shanky, bespectacled ghost who appeared incapable of strangling a chicken, let alone a sturdy girl; this professor, this raper of typewriters and rubber-out of blackboards; this Yankee with his twang and his snobby beg-pardons and his alien inability to understand such plain English as larrers catch maddlers. If they had grabbed him in a raid, they would have put him down a fairy, a ribbon clerk or a communist, probably all three; but because the frenzy to kill may galvanize any human arm, they must scrutinize him with new eyes.

Robert Hale, free, was the harmless stranger in the next seat, transparently taking home his respectable groceries to his respectable family and his respectable way of life. Robert Hale, arrested, booked for criminal homicide, was—anything.

They studied the length of those arms, the bigness of those veined hands; they saw youth in the jaw, the mouth, in the hidden eyes despite their rings of weariness and anxiety; they watched his simplest gesture, finding muscles where there had been none; Tucker would write in his notes, "Walks quick and nervous like he could work fast if he had to." The harmless stranger was stranger now to the whole world—a man accused, a person apart—but no longer harmless, no longer transparent; opaque with possibilities, boundless in evil.

Tucker spoke. "Well, fellow—wh'd'y'say? Gonna talk or not?"

Robert Hale only sank a little deeper on his knees and elbows.

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This was the bozo they had tried to pump last night, who had been too frozen by fear or shrewdness or plain, natural dumbness to do more than profess ignorance of the crime and declare he was nowhere near the school when it happened. This was the guy they must "go easy" with because he was not a nigger, but white, and educated and a college guy, and maybe knew somebody who could raise hell if they got too persuasive with him. This was the poorest, the stubbornest of all their suspects. Yet this was the man the d.a. said did it. And because the d. a., who could be valuable friend or bad enemy, already had shown his teeth and their very jobs hung in the balance, they must play ball.

But what a lousy break, when they had that nigger practically fried! And what a lousy prospect—having to chase evidence instead of the sure, quick hurrah of the confession. This bozo confess? Fat chance.

Robert Hale raised his head.

"I have nothing more to say. I am completely innocent. I had no more to do with Mary Clay's death than you had. That's all—until I get a lawyer."

He had recited the words, spoken them with a toneless precision as if he had been thumbing through a forgotten textbook until he found the passage he wanted. Detective Tucker grunted to his feet.

"All right, Hale—that's your business. All I got to say is I'm sorry you won't play ball with us. Might be better for you if you looked at it different—but come on, we're taking you over to the jail."

Hale said, agitatedly, "But my wife—I must get word to her. I must see her . . ."

"She phoned a while ago. Forgot to tell you. We told

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her you was all right. We're in a hurry now. They'll fix you up over at the jail—with a note or something. Come on."

Detective Laneart, who sat next to the prisoner in the back of the Ford, said afterward that he shook like a leaf all the way.

\* \* \*

Mrs. Warren had done her best to make haste. But, as always, a thousand things interrupted her. She had been ages explaining about dinner to Ada and Henrietta was simply hours on the telephone. It was nearly noon before she bustled into the roadster and swung it south. There was a bad hole in front of the Governor's Mansion and she made a resolution to write her councilman about it . . . Sycamore Drive . . . that was one of the streets in that new subdivision where they put up all those horrible apartments and no doubt poor little Mrs. Hale lived in one. If she had her way, she would tear down every stick and stone and build Ideal Homes. Frowning over the need for beauty in a world of mansard and murder, Mrs. Warren dauntlessly broke a traffic light and stepped on the gas.

She was right—Mrs. Hale did live in the largest of the atrocities. The sun kindled tons of red brick and yellow awnings. They overlooked a scrawny park where screaming children probably stamped whatever tendrils beauty ventured. At the moment the children were in school, but the street was by no means deserted. A score of idlers hung on the park rails, gaping at the windows of the Bedford Arms, and Mrs. Warren was

considerably annoyed to find no place for her car at the entrance where four already stood. How could tenants of "furnished apartments, showers and kitchenettes" afford new Packards and Buicks?

"Y'uther repo'ters already up there," the colored boy informed her when she gave Mrs. Hale's name.

Mrs. Warren needed only this insult to fan her spirit hot. "I'm not a reporter!" she snapped. "I'm a friend of Mrs. Hale's and you take me up there like chain lightning before I report you for a fresh nigger!"

"Yes'm!" The boy hopped. "Yes'm!" The cage sped. "Reckon Miz Hale be powerful glad to see a frien' right now . . ."

Mrs. Warren snorted. The battle blaze was in her eyes. It stayed there when she viewed, across its sill, the Hale living-room.

The gentlemen of the press had been augmented by two ladies—Miss Cecily Phelps of the *Star* and Dolly Holly of the *Advocate*, (in private life Mrs. Topping, widow of the famous poet and dipsomaniac.) These now occupied the couch on either side of Sybil while Lew Price sat at her feet, Bill Brock crowded his shoulder and Messrs. Flanagan, Miggs and Simmons comfortably adorned the background. T. Philip Bruce beamed blessings from an armchair. He was always delighted to help his pals, the newspaper boys.

Sybil remembered none of their names. She had come dizzily out of her faint—to cry a little, to listen to reassurance of her husband's probable innocence and, at the urging of all, to take it easy while somebody went for aspirin and beer and somebody else explained that the district attorney was a notorious dub. Her experi-

ence with the newspaper world had been limited hitherto to an interview her father once gave the Inquiring Reporter on the subject, "Do you object to women's shorts?" She thought these people very kind. At least, they were succor in the sea of loneliness and panic submerging her.

"Now, honey, if you don't want to think about the murder, you don't have to," Dolly Holly had said. "You just cuddle right down here and we'll chat about something else. You're from New York, aren't you? I was up there last fall to see the shows—I'm crazy about New York—just crazy about it! Where did you live there, dear?" Mrs. Topping winked a bloodshot eye at her colleagues and imprisoned Sybil in mists of motherliness and last night's brandy. Release from purgatory opened. Sybil fled through the gates, her wounds assuaged in a blissful torrent of speech.

". . . yes, honey, and how old were you when you first met Robert?"

That Summer when all the hurdy-gurdies played "Smoke Gets in Your Eyes." The moonshine on the Hudson and buses trundling along the Drive and Palisades Park a fairyland across the river. It was stifling in the office and the girls would send out for frosted chocolates at the lunch hour. She had spoken to Robert at the water cooler. "But you don't look hot," he had said. Those were his first words to her!

"The dame's spittin' her guts, ain't she?" said the photographer of the *Star* to the photographer of the *Messenger* in the kitchenette.

"Yeah—but she ain't saying much."

They both drank deep of the beer.



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"You wait," said the photographer of the *Star*. "They'll ease her around to Bobby's Little Mistake if old Topping don't honey her to death first. I've seen those babies work before."

"You think he did it?" said the photograph of the *Messenger*.

"Why not? She was hot pants for him and maybe he bumped her off by accident. Many a man's got too rough when he heard the wild calling. Only most of us are lucky. I wouldn't blame this guy for a little cheatin' — look at his wife."

"Oh, she wouldn't be so bad," said the photographer of the *Messenger*—"provided she don't cry when she does it."

Sybil accepted the glass of beer gratefully from the pimply young man. He, too, was kind. They were all kind. Robert surely would not mind her talking like this — or drinking beer — if he knew how much better it made her feel. Besides, was she not doing it to help him? The man with those strange eyes had said it would. And this girl — the one they called Cissy — she didn't look like the kind of girl who would hurt another woman.

"Why, on Wednesday — let's see — I was here almost all day," she went on, "except for a while in the afternoon when I went to a bridge party a friend of mine gave. I was here when Robert came home. Of course he was his usual self! He read the paper and we talked — we talked about the holiday and the parade and the party. He'd had a haircut and a shave . . ."

She stopped. The clutch on her breast was like an icy talon, bringing back tenfold the deaths she had died last night. Never, never must she let her lips speak or

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her heart hold that hideous fancy!

"He'd had a haircut, Mrs. Hale?"

"Y-yes!— to kind of celebrate the holiday I guess."

She began to sob and Bill Brock got up and told the photographers for Christ's sake cut out all that laughing in the kitchenette.

"What's she pulled now, Jack?" asked the photographer of the *Star*. "Turned on the shower again," said the photographer of the *Messenger*. "It's a good thing we got those poses before she melted away. 'Lef' mah sugar standin' in the ra-a-in . . .'"

They had calmed her and Lew Price was asking whether she didn't have some snapshots of herself and Robert, it would help a lot to show them together, and Mrs. Topping was saying she'd just love to see the rest of this charming little apartment, and Brock and Cecily Phelps were swapping worried glances, and T. Philip Bruce was proposing that perhaps Mrs. Hale would like to confer with him a bit, when Mrs. Warren pushed the bell.

A photographer let her in.

She swept past him. The breath of beer and the sight of a dozen empty bottles on the floor jolted her. But Mrs. Warren was not one to let unpleasant surprises divert duty.

"My poor Mrs. Hale!" she cried and advanced on the couch.

Sybil did not recognize the partner who had terrified her with psychic bids. Mrs. Topping did. Good God, she thought, that meddlesome Warren bitch; here goes the story! She rose, smiled and bonged in her oiliest bass, "How do you do, Mrs. Warren? I'm Dolly Holly.

We've just been trying to cheer up Sybil." The lady ignored her, no mean feat, and dragged rather than welcomed Sybil to her arms.

"My poor sweet!—I said to Henry as soon as I heard of it, 'Henry, I'm going straight over, what that poor lamb must be suffering!'—'Certainly!' he said, 'we must do everything we possibly can!' but so many things simply conspired to hold me up you've no idea . . ."

Dropping Sybil as peremptorily as she had seized her, she aboutfaced.

"Are these reporters? Ah, I know you, young man — you're Dr. Brock's boy. What are you doing to this unhappy child?"

"Interviewing her. As a matter of fact, we were about finished."

"Indeed?" said Mrs. Warren. "You should be ashamed of yourselves, snooping around prying secrets out of people. Ah, I know you! Ferrets. Busybodies. Well, if there are any interviews to be given out, I'm giving them. You mustn't print a word she said."

Two photographers had picked up their cameras and edged to the door. Bill Brock was grinning. Cecily Phelps rubbed lipstick. Mrs. Topping as ostentatiously as possible ignored Mrs. Warren. She cooed, "Goodbye, honey. I must rush! But don't forget, any time— any time!— just give me a buzz. I'll run right out. Dolly Holly at the *Advocate*! And I'll be seeing you soon anyway, of course." She billowed by the new guardian on zephyrs of alcohol and scent.

Mrs. Warren renewed her clasp on Sybil; she glared at them all.

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Lew Price, bowing, said, "You're quite right, madam, we should leave Mrs. Hale to her friends. And lucky she is to have you for one! You don't remember me, do you? Lewellyn Price of the *Advocate*. I covered your clean-up-and-paint-up campaign last year. Do you know, Mrs. Warren, that was the finest civic achievement I've seen in twenty years of newspaper work! I mean it—you were marvelous! And now, Mrs. Hale—I hope everything will turn out for the best. Remember, the *Advocate* always champions the underdog . . . Dear Mrs. Warren, don't think too badly of us; the press, too, needs your help."

He was gone—and Mrs. Warren, who had suffered him to take her hand, stared at it in amazement. At the same time, a strange suffocation warmed her. The young devil had kissed it!

They were all gone now, good riddance to bad rubbish, leaving her alone with Sybil victorious among the beer bottles—or so she believed. An unguent voice to the rear undeceived her.

"May I present myself? T. Philip Bruce, Mrs. Hale's attorney."

She had thought him another reporter, more repulsive than most if anything, and his sudden transpiration from the bedroom nettled her as much as his fat shabbiness and fat smile. A pretty howdydo—reporters and lawyers and whatever popping out of places. Yet his announcement stymied her.

"Indeed?—Well!—I didn't know—of course, if Mrs. Hale already has advice—I was under the impression you knew practically no one, dear . . ."

"But I don't!" wailed Sybil. The loneliness, the tor-

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ment yawned—or worse, to be left alone with this stranger who was not even noisy like the others. “Please”—she clung to Mrs. Warren—“I never saw him till a minute ago!—Oh, mister, I don’t want to be impolite, but—but—I don’t want you!”

The smile of T. Philip Bruce froze in midsread; he looked like a porgy about to bite a bait snatched away.

Mrs. Warren spoke three words.

“Get—out—shyster!”

On the sidewalk, whence even a lift from the reporters had vanished, Mr. Bruce, appraising the distance to the car tracks, spoke but two words.

“God damn.”

The idlers gaped.

Upstairs, Sybil wept all over Mrs. Warren’s clean frill.

“You do the color stuff, I’ll use what she spilled about Hale,” said Lew Price.

“The little fool!” said Dolly Holly.

“I’m sorry for her,” said Cecily Phelps.

“Try to get in with her,” advised Brock.

“Da, da, da, da!” sang the photographers.

\* \* \*

### *(From the Morning Messenger)*

That Robert Hale may have difficulty proving an alibi to account for his movements at the time Mary Clay was murdered was unwittingly revealed yesterday by his wife, Mrs. Sybil Hale, in an exclusive interview with a reporter for the *Messenger*.

Mrs. Hale, who lives at the Bedford Arms apartment in the smart Sycamore Drive section, did not know of Hale’s arrest for the murder until she was informed by the *Messenger* reporter. She collapsed but quickly rallied to proclaim her faith in her husband and talk freely of their life together.

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According to Mrs. Hale, Robert did not know Wednesday was a half holiday at the business college where he has been teaching since last September. At least, if he did, he did not tell her so in advance.

"Why should he have known?" Mrs. Hale demanded. "We are both Northerners, living all our lives in New York City, and we are not familiar with southern customs and traditions. When Robert went to work Wednesday morning, I'm sure he had no idea he would be off at noon."

Mrs. Hale herself spent Wednesday afternoon at a bridge party. She is well known in North Side society and after talking to reporters yesterday, went into seclusion at the home of a friend, a prominent clubwoman.

Robert, said Mrs. Hale, told her he spent Wednesday afternoon watching the parade and wandering around town. She said he had a shave and a haircut at a barbership. She admitted that he did not reach home until after five o'clock and admitted, furthermore, that he had been drinking, although she declared it was "only a glass of beer" and protested vehemently that Robert was "his usual self".

Detectives will endeavor to confirm her story by a check of local barbershops and saloons and they will compare it with Hale's own account of his activities if the prisoner, who thus far has refused to talk except to insist on his innocence, breaks his steely silence.

Detectives see in Mrs. Hale's statement that Robert said he saw the parade an opportunity to tighten the net they are weaving about him. The parade began shortly before two o'clock, the hour when Mary Clay was entering the business college, and it was over by four o'clock. It passed within half a block of the college, moving in established formations. If Hale is grilled as to precisely which units he saw and his answers are checked against the actual parade movement, as known to the police, the results may go far to show whether he is lying or telling the truth.

Mrs. Hale gave an account of her husband's career in the North indicating that he is a man of unusual intelligence. He was graduated with honor from New York University and, though he is not yet thirty, was associated for a time with a Wall Street brokerage house. She did not reveal why he gave up this position for a teacher's job in the South.

Mrs. Hale herself is not a college graduate though she is obviously a woman of culture and refinement. A willowy brunette, she received reporters in a becoming gown of a crisp green material . . .

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*(From the Evening Star)*

By Cecily Phelps

Robert Hale may be a monster in the eyes of Mary Clay's avengers, but to the little woman who bears his name he will always be "Bobby", the boy who wooed her under a Manhattan moon and whom she will stick to through thick and thin, until death does them part.

Mrs. Sybil Hale—five feet of Yankee pep in a blue sports dress—in an exclusive interview with the *Star* declared she would leave no stone unturned to prove her husband innocent of the black charge against him. In the words of General Grant, "We will fight it out on this line," she said, "if it takes all Summer!"

Mrs. Hale is an ash blonde, petite and chic. When a reporter for the *Star* broke the news to her yesterday that her husband had been arrested, she reacted with characteristic energy after the shock. She engaged counsel and from her home in the Bedford Arms, a modernistic apartment reflecting her modern woman's viewpoint, she began the direction of his fight for freedom in the true independent fashion of the business girl she was before her marriage.

Mrs. Hale met Robert while both were employed in a Wall Street office. She held a responsible position as secretary to a leading financier. He was only a junior clerk. But it was a case of love at first sight. Theirs was the big-city romance of bus tops and park benches, of whispers in Greenwich Village snuggeries and kisses on a Coney Island boat.

Sybil admits that Robert was the shy one. He believed they could not afford to get married. But she, with her business training, insisted two could live as cheap as one. Besides, when the opportunity came to him to get a better job in new and greener pastures, she expected to get one, too. "And now I certainly must!" she declared.

So Sybil "got her man."

Today "her man" faces a future murky with menace, the electric chair looming, possibly, at the end of it. But the little woman to whom Hale will always be "Bobby", the boy of her dreams . . .

*(From the Evening Advocate)*

By Dolly Holly

Once more the woman pays!

Broadway love, introduced to Sybil Hale through the jazzy tumult of New York's night clubs by the tall and handsome

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man of mystery now languishing in Danderry County jail, crashed to tragedy for her when the mutilated body of little Mary Clay was discovered in Thursday's dawn.

Only a year ago she was Sybil the Siren, darling of the hot-spots, queen of gayety and laughter, the beloved of Robert Hale, who dazzled her with his ardent glances as they danced, prophetically, to the strains of "Smoke Gets in Your Eyes."

Today she is "sad-eyed Sybil", a haunted, pitiful creature of woe who swooned when a reporter from the *Advocate* was the first to bring her the devastating knowledge that the man she adored and trusted had betrayed her, it is alleged, for the inevitable "other woman" and plunged her while still a bride into a maelstrom of lust, crime and terror!

Sybil sobbed out her heartbreak on the bosom of the writer.

"Dolly," she moaned, "I will never believe he did it!—never!"

But it was evident to me that, whether Robert Hale be innocent or guilty, here was another victim of man's inhumanity to woman.

With traces of her fragile, childlike beauty apparent through the tears that fell unchecked onto the simple housefrock she wore, Sybil revealed in her exclusive interview with Dolly the details of the hectic courtship that began when the Man in the Iron Mask, as the police have dubbed Hale because of his stubborn silence, accosted her in the Wall Street office where she was a typist and he even then an enigma to his associates.

\* \* \*

"I see," said John Felker, as he cut the rump steak into six equal shares before helping the plates, "that that New York feller they got for that girl's murder can't prove an alibi. Claims to've seen the parade and can't swear whether it was goin' or comin'! At least, that's what a feller at the office was telling me."

"That ain't so," said Grandpa Felker, a dyed-in-the-seam dissenter. "He won't talk—they can't git beans out of him. And I don't know as I blame him!" Grandpa Felker cackled. "He's a smart feller, that feller, he's a fox!"

"That's more'n his wife is," said John, Jr., reaching for the biscuits. "She made a plumb fool of herself,



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blowin' off in the paper about the North bein' superior to the South. But I reckon she's no dumber than most of these society women."

"She's not dumb at all." His sister laid down her fork. "She had a big job in New York and the only dumb thing she did was to quit it to marry this horrible man because she thought he had a future in Wall Street. Then he dragged her down here to this godforsaken town!"

"He got run out of New York, you mean," said her brother. "Or something happened. The paper hinted at it. I bet they knew a lot more than they said, too. I bet, when they get all the dope on this feller, they got plenty."

"Wall Street!" interjected Grandpa Felker. "They'll never hang him if he's got money. They never hang anybody that's got money."

"They don't hang 'em any more, grandpa," said Bryan Felker, twelve, "they burn 'em in the hot seat. 'Hale Burns in Hot Seat'—that's what they'll say. And none of you know what you're talking about his wife's dumb or smart, she ain't neither, she's just a Broadway Butterfly broken on the wheel of lust. I know"—he continued between mouthfuls—"I don't care what you read in your old papers, I heard it on the radio!" Even Grandpa Felker stopped eating. "Dolly Holly said so — on the Krinkly Kandy program—Dolly Holly Views the News—she said Missus Hale got picked up by this feller in a Broadway Whoopee Parlor when she was just an innocent young girl . . ."

\* \* \*

## DEATH IN THE DEEP SOUTH

The Felker family listened to the voice of authority.

John Felker's boss, watering his lawn while his wife tossed him quotations from the verandah, informed her that he was pretty sick of the newspapers whipping up public sympathy for criminals. Personally, he said, he hoped the district attorney cracked down hard in this case. It was high time something was done about crime in this community. His wife nodded as she continued to page three. It was simply nauseating, she said, the way some people gloried in publicity, no matter what they had done. Why, this Hale woman—and that little murdered girl not cold in her grave—actually posed for pictures like a dying swan!—Look at them!

\* \* \*

Camera Catches Sad-Eyed Sybil in Her Hour of Calvary . . . "Well, I must say," said Mrs. Governor Mountford, "she doesn't look much like a chorus girl. She has a real sweet face. I'm sorry for her, poor woman. And neither does he look like a murderer, though of course the nicest people do the most unexpectedly awful things sometimes. I wonder if he killed her . . . It would be just like our friend, Mr. Griffin, to find some poor, inoffensive out-of-towner to pick on. The poor man's friends can't vote! Is that catty? Well, I don't care, Aunt Emmeline, just look at these pictures . . ."

\* \* \*

". . . at these pictures!" The Reverend Bledsoe Lomax tapped them with a digit like a sausage. "Again the press panders to our basest appetites. Murder—passion—sex—I shall preach on the subject next Sun-

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day. Not that it is entirely the fault of the press, Waldo — our local papers are the church's staunchest supporters — but when people are so blind to God's plan that they will listen to the stories of murderer's and murderer's women before they will hearken to the Voice of Jesus — when they will put sensation before salvation — when crime becomes a carnival — when the people's hunger for scandal is greater than their thirst for the Tree of Life — then," said the Reverend Lomax, seeking a clincher and not finding it, "then," he concluded, "something is wrong."

\* \* \*

Mrs. Nelly Blair held up the pictures — four of them, spreadeagled over eight columns — to Grace and Lurline, who had arrived early for their evening's assignments. The three women, in the musky dell of Mrs. Blair's own bedroom, agreed with Dolly Holly that their sex usually got the dirty end of the stick. Not that "Sad-Eyed Sybil" — and didn't that just hit her off where she Clapsed Mate's Photo? — didn't have it coming to her if she couldn't make herself attractive to a man so he chased after every little floozie who shook her behind at him. The other paper said Sybil vamped him; probably one of those purity boys who didn't know what it was all about when he married her. And they were often the worst kind too. Something funny about a man who let his wife wear the pants of the family. Why, if her husband — said Grace — wasn't the kind who would beat the living daylights out of her if he knew where she was this minute, she'd quit him tomorrow! . . . Bobby . . . Uh, huh! . . . And a

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school-teacher . . . uh, huh! That's the type all right. Why, that little Clay girl was all messed up. They say when they examined her . . . The three heads shuttled closer under the cerise shade. Sybil's face stared up unremarked from the floor. Grieving Wife Demands Mate's Release.

\* \* \*

"Turn him loose my ass," said the man with the rock and rye. "If he knows what's good for him, he'll stay where he is, he won't try to get out till this thing blows over."

"Sure," said the man with the rye and plain water. "But suppose the poor bastard didn't do it? It might have been the nigger."

"Not this time," said the man with the beer. "This wasn't no nigger crime, this was a sadist's crime. You know what a sadist is?"

"Sure—and there's plenty of nigger sadists."

"Not down here they ain't," said the man with the rye and plain water. "Maybe in Harlem and up in those places where they let the niggers run wild, but not down here. You take your typical southern nigger and he may go bad once in a while and turn into a killer or even a raper. But he ain't no pervert. That was a white man's crime."

"Well," insisted the man with the rock and rye, "irregardless of what he is, that guy better stay in jail. Where I come from, wouldn't no man kill a white girl, let alone assault her, and live to tell it!"

"Where you come from!" said the bartender. "Listen, brother, right where you are we got guys can take care

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of guys like that. But we got courts, too, we got law.  
If this guy's guilty . . ."

Hale Guilty, Avers Griffin!

". . . say neither him nor the nigger done it . . ."

Police Find Fresh Clues!

". . . listen to this, mother, if you think he's got such  
a nice face . . ."

Fires Hale's Counsel!

". . . all I got to say is if she thinks she can get him  
off with some smart Yankee lawyer . . ."

Man of Granite!

". . . but, darling, you were always opposed to  
capital punishment . . ."

Broadway Butterfly!

". . . not a thing on him . . ."

"Wall Street!

". . . hole in her head big as an egg . . ."

Guilty!

Innocent!

Innoguilt he hasn't got a shesaid I hearrrrr . . .

Sybil lay soundless, inert as wood, face down among  
the shambles. A finger of wind passed, lifted for an  
instant a corner of one of the scattered sheets and slowly  
let it fall.

\* \* \*

Ben Piggott, of Jackson, Marks, Piggott & Jones was  
retained by Mrs. Hale to represent Robert. Ben Piggott  
was a cousin of Mrs. Warren's on her mother's side and  
he was once very helpful in a matter of Ada's husband  
and the larceny of a suit of clothes. He was young but

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solemn, redheaded but slow to speak. Sybil liked him, and Mr. Warren said his firm was one of the most reliable in the city.

On the third day after Hale's arrest Piggott dined at the Warrens' and assured everyone that his client had nothing to fear. When the ladies had retired and the gentlemen were sampling Mr. Warren's aged corn—a ceremony Mrs. Warren approved, to her glory as a tolerant wife—he told Mr. Warren that the outlook was not so good.

"There's a lot of politics involved," he said. "You know Andy Griffin is planning to run for Governor if Mountford comes out for the Senate, and he may run for Governor, anyway, if Mountford stands for another term. Griffin's popular with the farmers—he's a country boy himself—and his record's been excellent until recently. Losing those assault cases hurt him and there's been a lot of talk around of the party nominating another man. He's on his mettle. This murder was just what he needed to put him in the limelight again."

Piggott looked reflectively into his whiskey. "There's a police angle, too. The papers have been riding the cops, playing up the crime wave, printing those statements of Griffin that the police don't 'cooperate;' Chief Strawn's good and sore and I understand the word's been passed that there better not be any falling down this time. All that makes it difficult for our man. You know what happens when politics complicate a case."

"Yes," said Mr. Warren, who knew about women, "but the people of this community won't let politics condemn an innocent man."

"That's what a lot of people said when Massachusetts

executed Sacco and Vanzetti," said Piggott. "And when New Jersey executed Hauptmann and when California jailed Mooney. I could go on with a lot more. You simply can't ignore politics in this country. You can denounce politics, your baldest politician can call politics Public Enemy Number One, you can organize political crusades to destroy politics, but it's always the other fellow's politics you're gunning for. I say politics make it bad for our man, but you mark my words, when things begin to look better for him, some politician will rise to bray that politics are getting him off."

Piggott watered his corn.

"If we could go to trial tomorrow," he said, "I'm confident we could get an acquittal. All we would do would be to let the State introduce its evidence and rest for the defense. The State hasn't got any evidence except rumors and suspicions and the story this nigger tells, whatever it is; they've got him sewed up tighter than a sack. But the State will have weeks to get evidence and coach the nigger and prejudice prospective jurors and hypnotize witnesses into forgetting what they saw and remembering positively what they only imagined they saw. I don't mean to say the State will deliberately bully and bribe and conspire to defeat justice, though I hope I'm not ingenuous about some of the State's servants. It will just happen that way. And when we finally go to trial, we won't be trying Hale, we will be trying the case for and against Hale as those weeks have developed it and crystallized it."

Mr. Warren's expression bespoke his business man's pity for the law.

"You will have tried Hale," said Piggott, "you and

a million others like you and, unfortunately, far worse than you. The newspapers will have tried him and the radio, the Popeye followers and the Gracie Allen fans and every bloodthirsty little nincompoop who heard his wife's aunt's cousin swear he knows for a fact the dreadful thing the newspapers don't dare to print. Hale will already be acquitted or convicted and my job will simply be to hammer home those favorable points which I will hope were among the preconceived notions of the jury when each unbiased citizen swore on the Book they weren't."

"You're very cynical," said Mr. Warren.

"I have to be," said Piggott, "that's what I'm paid for. By the by, who is paying me?" As Mr. Warren looked disconcerted, he laughed and held up his hand. "Don't," he said. "I was only thinking out loud. I know you good people got into this by sheer accident and kindness. But there will be expenses. They haven't heard yet from his father. Another one of our civilization's perfections—one must pay lawyers as well as butchers for the privilege of living. As I told you, I saw Hale today." He broke off abruptly.

After a moment: "He's a queer duck," he said. "Apparently he was already suffering from some sort of persecution complex when this thing happened. Thought life had handed him a raw deal and people didn't like him. His folks sacrificed to put him through college and he was quite a whizz there and believed he had the world by the tail till he graduated and found out differently.

"That's every lad's story, I suppose. But Hale reacted badly. Got disgruntled, nursed a grudge against



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his employers when the raises didn't come fast enough; he told me we couldn't expect any help from that quarter, that they never liked him and resented his quitting. I suppose he proudly walked out on them without notice. Anyway, when his chance came to leave he saw it as a great opportunity. A new country, a fresh start and all that. Then, when things didn't happen exactly as he expected, he got sore again and renewed his grudge.

"This time it's against the South. He's read a lot of that bunk Mencken and those fellows used to write before they discovered we also drink beer and sing dirty songs down here. The poor fellow asked me if there was any danger of his being sent to a chain-gang! He doesn't yet realize the seriousness of his situation.

"Well, I tried to tell him without scaring him to death but it didn't do much good. I mean as far as getting his cooperation is concerned. He got bitter instead of frightened, blamed the authorities, blamed Buxton, blamed his pupils for telling lies about him. I gathered his life in school was no picnic—the girls made fun of his accent and he'd heard them mocking him behind his back. Every teacher must experience that sort of thing, but it simply didn't go down with Hale. He stored it up as another count against 'southern prejudice' and, paradoxically, as new proof that nobody liked him. Now he sees himself as the victim of a plot, of a grim practical joke, and he's not going to laugh it off or be nice about it, even to his lawyer. You see?

"I must say he was pretty calm about the murder. 'Of course it's too bad she's dead,' he said, 'but it's really no concern of mine. I scarcely knew her. Just another pupil and not a very bright one. I tried to interest her

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in her work, but it's preposterous to believe she attracted me sexually'—and it is hard to believe any woman would, when you talk to him and watch the wheels of his obsession going 'round. Then he said a shocking thing. 'I could kill her now,' he said, 'for getting me into this rotten mess!' It burst out of him in a kind of fury and I suppose I must have looked queer, for he apologized and said he couldn't sleep and was half crazy with worry. He changed the subject—went back to the chain-gang business.

"He kept doing that whenever I brought up the murder, not as if he had anything to hide but as if the murder bored him, as if establishing his innocence weren't half as important as establishing the outrage of his arrest. I tell you he's a queer duck—I'm sure he sees himself already as another martyr like Leo Frank or the Scottsboro boys. And, for all the nightmare he's suffering, that's giving him a kind of awful compensatory kick. A chance to revenge himself on the South. Like a man playing with the temptation to cut off his nose to spite his face. That's why I can't let him talk to the reporters; he'd ruin us with the press. And the press is damned important."

As though reminded of a vexatious chore, Mr. Warren lifted his head. "Did he speak of his wife?"

"He did." Piggott smiled as if he, too, had his reminders. "He spoke of her several times. In courteous but impersonal terms, you might say. I gather that he expects her to carry on for him efficiently and without stint. Of course, when she saw him the night before, he may have wept in her arms or she in his—I don't know, as a bachelor I strive to avoid domestic scenes.

But I have also noticed, as a bachelor, a difference in the marriage relationship as it is practised among my northern and southern friends. Before you condemn Hale as an unfeeling fellow, Warren, remember that up North the dutiful, obedient, self-sacrificing wife is an actuality and not a fiction. I am afraid we spoil our women down here. If you were in jail, for example—perish the thought!—you would be worried sick about Mrs. Warren, whereas Hale doesn't worry a bit about Mrs. Hale and expects her, as a matter of course, to tote the load without reproach or complaint. He is her husband, not her *beau chevalier*."

"I see," said Mr. Warren, drily. "However, I am sure that if I were in jail, Mrs. Warren would blow it up to get me out unless she were forcibly restrained. In any event, I suppose you spoke to Mrs. Hale. About the reporters, I mean. They were here again this afternoon and I don't doubt, if we should beat the hedges now, we would flush a dozen. What shall we do about them? We can't continue to keep the poor woman a prisoner."

Piggott sighed. He had a trick of talking as though addressing an invisible partner and not the person present. "What shall we do? They are so important! Such a damn peril, yet such a damn pest. I spoke to her. There will be no more of that dynamite they printed yesterday if I can help it. But that brings me to something I had in mind. Suppose, sir, before we join the ladies . . ."

They lowered their voices and when Mrs. Warren and Sybil welcomed them to the verandah a few moments later, Piggott was not long in coming to the point. Of course, Mrs. Hale, you are much better off here than alone in your apartment. I haven't the words to

express, as your attorney, my appreciation of the Warrens' wisdom and kindness. But there is an awkward angle to the situation . . . The Warrens are not rich, but they have social position . . . this home . . . the press . . . musn't alienate the press . . . ideas the public may get . . . Mrs. Warren would be the last person in the world to wish you harm, Mrs. Hale, and yet as long as you stay here . . .

Mrs. Warren glanced sharply through the darkness. Impatiently, for half an hour, she had been wondering what those two were talking about. If Henry thought for an instant . . . But her husband's face and voice both being momentarily non-existent, she curbed her objections . . . "your apartment a needless expense . . . better impression in a poorer section" . . . A thousand things she had delayed doing descended on Mrs. Warren; Southern hospitality, for the time being, had been attended to; moreover, hanging up on reporters was losing its novelty. It was decided that Sybil should get a room in some decent boarding-house.

Sybil agreed gratefully. Mrs. Warren would never know how grateful she was. Mr. Piggott would never know the measure of her gratitude. She could not speak it, nor her fears nor shame nor much of anything since yesterday's annihilation. The headlines still burned in her mind. Wife Reveals Hale Was Drinking. Sad-Eyed Sybil Pictures Mate as Impassioned Lover. She would never speak to anyone, ever again. However lonely the future, how full of untried terrors, she would face it mutely, without reproach, without complaint.

\* \* \*

## DEATH IN THE DEEP SOUTH

The bus terminal was like a catacomb built by Ford. Tile walled, chromium plated, air conditioned. Tickets, tourist information, ladies, gentlemen, hot lunch, cold beer, chewing gum, cigars, cigarettes, magazines. Babies wailed. Drivers in burnished puttees strode like matadors. Over the catacomb the voice of Stridor poured. "Now leaving on Track Six—on Track Six—Greyhound Line for Newark, Philadelphia, points south—now leaving on Track Six—on Track Six . . ."

The man and woman by the farthestmost pillar kissed hurriedly.

"Perhaps they'll let me through with you, Mother."

"No—give me the bag, you've come far enough, all that way—I'll be all right . . ."

"You should have had a glass of milk."

"I'm all right, I tell you. Give me the bag."

He watched her enter the gates and then found a spot where, through iron bars, he saw her run along the platform, staggering with the bag. They would have let him through. But she was there now; he watched her climb into the bus. It was a long time leaving and he stayed, watching it through the bars and never once thinking they were bars but thinking that the bus was like a big tiger crouched in a cave.

". . . on Track Six, last call for Track Six . . ."

The tiger purred, backed slowly, crouched while the turntable revolved and then, as the purr snarled to a roar, pawed up the ramp.

The man went into Forty-second Street and walked heavily toward the subway.

\* \* \*

## DEATH IN THE DEEP SOUTH

"Your name's Timberlake."

"That's right."

"You shaved a guy Wednesday."

"I shave a lotta guys. What's it to you?"

"You cut his hair, too."

"I cut a lotta guys' hair. What's it to you, I say?"

"That's all right what it is to me. Look at this if you want to know what's it to me. You shaved a guy and cut his hair, a long, tall feller with cheaters and a funny way of talkin'. Yankeelike. Remember? Maybe you shaved this guy around two, three o'clock."

"Sure, I guess I remember him now. He give me a tip. I remember him all right, chief. A New York feller, he said he was."

"Well, what time did you shave him?"

"Lemme see—it mighta been two, it mighta been three, but seems to me it was likelier two than three. I just got back from lunch. Say somewhere around two thirty."

"All right, Timberlake—you remember too good. You don't like this town much, do you, Timberlake?"

"Sure I do—I like it fine."

"Oh, no, you don't, Timberlake. And this town don't like you whether you like it or not. Some of the boys was telling me—ever hear how good the barber business is up north, Timberlake?"

"Naw."

"Better for barbers' business and better for barbers' health. Maybe I can lend you train fare, Timberlake. As far as the train'll take you."

"I ain't quittin' this town."

"Oh, yes you are, Timberlake. You don't like this

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town. Some of the boys was telling me. About a girl you got in trouble. Listen, Timberlake . . ."

\* \* \*

The driver braked, cut off his engine and announced, "Fifteen minutes for rest and lunch." The passengers filed out. All but one. She remained in her seat while the others went into the lunchroom or strolled about the cinders, talking to the uniformed garagemen. She did not look at them. Her side of the bus had a view of a small river, cows in a green field and sunshine on the Pennsylvania hills. After a moment the driver approached outside the window.

"Don't you want to get out, lady? We're here fifteen minutes."

"No, thank you," she said.

She went on watching the placid cows.

\* \* \*

"Don't any barber in ten miles of the college have any recollection of that feller, Mr. Griffin."

"You're sure, Briggs?"

"Absolutely. I've talked to a hundred if I've talked to ten. If that feller got a shave and a haircut the day he said he did, he musta got it in the next county."

"Well, I can't say I'm disappointed. But leaving fairness and all that out of it, we've got to be sure, Briggs."

"Yes, sir . . . I got something else for you, Mr. Griffin."

"What's that?"

"If there ain't any barber, Mr. Griffin, and Hale made him up to his wife, it stands to reason he made him up to explain something. Suppose, for instance, there was

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blood on Hale and his wife saw it, maybe he explained it by sayin' he went to a barbershop and the barber accident'ly cut him . . ."

"I'm afraid you're getting fantastic, Briggs."

"Mr. Griffin, I got the cleaner's boy that took the suit from Mrs. Hale Thursday morning and she told him the spot on it her husband got it in a barber shop. And Mr. Griffin, I got the cleaner that cleaned the spot. It was blood . . ."

\* \* \*

The sun was hotter in Virginia, she noticed, and the scenery more beautiful—or so one of the passengers remarked. She had never been south of Washington before and the country she knew best—tilled acres and duck farms and golf courses and inlets flecked by sails—seemed very far away. This country awed and frightened her, miles of wooded hills, of rank, unfenced fields and dark, slow moving streams. The bus plunged down a gorge and wild cliffs closed around them.

At the next rest stop she got out. The coffee they had served her at the tourist camp swam stale and pallid in her stomach. She thought she would get a hotdog and a glass of milk. With the others she walked toward Frank's Bar-B-Q, stopping when they stopped to look at the wildcat and the raccoon on a chain. A sunburned man with milk blue eyes said, "Heah's a little feller we just caught." She peered into the wired box as his boot jogged the side.

The rattler struck—coiled and struck again—six feet of lethal whiplash. She saw the wicked head, the eyes, the forked tongue, and heard again the music of the tail. Once more the whiplash streaked.



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"Don't you want some'n' to eat, lady?" said the driver after she had gone back to the bus. He had begun to worry after what the other driver told him about her not eating.

"No," she said, "no, thanks."

She kept her eyes on the summits dark with spruce and pine. The sun sank behind them. She could hear, again, the singing of the rattles.

\* \* \*

They all said, "Hi, Joe," just as they always said and he came on down the poolroom steps just as he always did, with that insolent flip-flap of the knees. But they looked at him different, he saw that, and for a second he wanted to go back. Just for a second. Hell, he wasn't going to run from any bunch, not if they rode hell out of him, not if her brothers were there and he had to fight. If the cops and the d.a. gave him a clean nose, he guessed he could tell anybody to go to hell, he didn't care what they'd heard or what they thought.

They said, "Jeez, Joe, it's good to see y', boy!"—"When'd they let y' out, boy?"—"Hadja on the spot there for a while, didn't they?"—"By God, Joe, we all went to bat for y', didn't we, gang? Those dicks were tough, too"—and suddenly the tightness in his chest loosened and a great gladness warmed him and he laughed. How good it was to laugh!

He said, "Hell, I wasn't worried. Not after I knowed what it was all about. They tried to spring it on me, see? They tried to scare me . . ."

The proprietor came forward. "How'yar, Joe?"—"Fine as silk, Eddie"—old Eddie, who never liked him, who wouldn't trust him for a nickel, shaking hands with

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him now. Eddie said, "Boy, tell us about it." Wide-eyed, open-mouthed, they surrounded him.

"Well, I figured this dick that made the pinch for a pretty dumb dick soon's he opened his mouth. So I says to him, 'Listen, buddy, I ain't tellin' what I know 'cept to the d.a. . . .'"

The D.A. They stared with the same respect they would have shown a champion prize-fighter, they listened as if a Dillinger spoke. Murder exalted him in a crimson halo—"Slain Girl's Sweetheart—Suspect Number Two—Turner, Freed, Vows Vengeance"—"Say, Joe, ja really have a date with her? is it true what they said y' went to the college lookin' for her? and seen the nigger and the white feller both? listen, who you think done it? by God, I wouldn't take no nigger's word! give us the honest-to-Jeez lowdown, Joe . . ."

"Well, y' see, guys, I can't tell y' ever'thing. Promised the d.a. I wouldn't. 'Course he told me some things in conf'dence. Now you take this business of the nigger and the white man. I ain't satisfied both of 'em didn't look mighty strange—mighty strange—when I walked up them steps. For two cents I'da knocked the nigger's block off him . . ."

The sudden crack in his voice left them staring, until they, too, heard the heeltaps and turned and saw, as he saw, Shack Clay standing at the foot of the stairs. The glow from the green tables lit up his chin, hard as carved marble.

There was silence. Shack Clay crossed the room.

"Joe, boy . . ."

"Hi, Shack . . ."

"You loved her, too, Joe!"

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Their hands were pumping.

"I knowed you never done it. The nigger, he never done it." The shame, the humiliation, when it is one's sister; better by far the white brute than the black. "It was him done it, Joe—Hale!—and we'll git him, we'll git him like you said in the paper. Whoever done it, you said . . ."

"You betcha, Shack! I meant it, Shack!" . . . Great tears gushed from Joe Turner.

"I knowed you did, boy . . ."

"I shore did, Shack."

The ring of faces coiled, fierce as wolves, hot with more than the sweltering pressure of the night.

"We're with y', Shack . . ."

"We're all with y', feller . . ."

\* \* \*

The mountains were gone and the bus fled between endless flats of red shale where dust powdered whatever green broke the land. They passed tumbledown cabins and at long intervals towns ugly with structures like barracks. Cotton mills, she supposed.

At Greenville she drank a glass of milk and nibbled a sandwich. Two men were arguing at the gas pump and she listened curiously to their slurred, flat dissonance. One was defending Robert Hale, the other damning him, but she understood no word they said. Only twenty hours since New York, yet she felt as if she were in a far country.

She must have slept again, for the mountains were

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back, a blue haze to the northwest. The sun slipped behind them. Now the red shale rose in hills, trees topped them and often a whole forest of dense pine blotted out the light but not the heat. She was almost the only passenger left.

The bus fled from black pine through flowery banks, buildings flickered and a faded sign, "Flodden." Then the village was gone and she was trying to remember where she had heard that name when the driver called back, "Be there soon, lady!" She began to tremble. Her fingers refused to pull on her gloves. She fell back, gasping. When many lights winked through the dusk, she was unconscious.

"Bring her out this way . . ."

"Wait a minute . . . lemme git holt of her laigs . . ."

Water . . . whiskey . . . She would be all right in a minute.

"This is the car," said Ben Piggott.

The driver put down the bag. He was staring at it.

"Well?" said Piggott, drily. "She's Mrs. Thomas Hale of New York."

The driver shook his head. "Sho' now!" he said. "Sho' now! That feller's mama—I'm mighty sorry. If I'd knowed it, I'da been more hospitable."

\* \* \*

### HALE'S MOTHER RUSHES TO SON'S SIDE

**Declares faith in his innocence—Father may raise  
defense fund—Griffin and Committee in  
Star Chamber Session**

\* \* \*

## DEATH IN THE DEEP SOUTH

He knew them all and knew them for his foes, not merely opponents voting and working against him in the shifty skirmishes of politics, though they all had, but as foemen in a feud older than creeds and more implacable than pride of color. Whipple in his white linen, Doughty with his democrat's air, little Ebenezer Schall, the intellectual Jew, he knew them—the merchants, the bankers, the landowners, the nobles—for what they were, as they recognized in him and would forever resist the tribune of the people, Little Andy Griffin, who spread his first hoecake with poor man's butter and never forgot the taste.

Clad in linen as fine as theirs, under an electric fan fed by their power company, in an office better than a bank's, he could speak them fair, but they were there intrinsically to scuttle him and protect themselves, and he knew it and they knew it, and by not one flop of hair would he bend to them.

"Gentlemen, this argument is useless. I'm not concerned with the temperament or temper of the public. I am concerned with a duty to the public. There has been a murder. The public expects me to see that justice is done."

"But, Mr. Griffin, we are only saying that the duties of your office do not require you to excite the public. The town is in a ferment!"

"We don't want any more riots, Andy," said Benson Doughty. "You know what a powder keg we're all sitting on. Unemployment—thousands on the dole—idleness, uncertainty about the country's future, the radicals, the unions—why, man, any spark will set them off!"

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Griffin had cocked his head, in his terrier's manner, to a distant bark.

"I excite the public, Mr. Whipple? The murder has excited the public. That—and other excitors. I am not responsible for what the papers print, I have been very careful what I said to the papers. You own stock in the *Star*, don't you, Mr. Whipple? And most of you are advertisers in the *Advocate*. I think you gentlemen have come to the wrong place to prate of excitors."

Whipple crimsoned. "That's all right about the papers—it's you we're talking to now! We'll handle the papers all right."

"If you can, George. They've got to print the news and they can't softpedal this case," put in Slater Mims, the *Advocate's* attorney. "Look here, Andy, we know you're not responsible for the feeling about this girl's murder. But the fact remains, the feeling's there and it grows worse with every wild rumor. Are you sure, Andy, that you are proceeding against the guilty man?"

"So sure that I'll stake my reputation."

"All right. I merely inquire because I have my own reasons for believing he's not guilty." Griffin did not ask what they were; it was common knowledge in the room that Slater Mims lunched daily with his brother-in-law, the senior partner of Jackson, Marks, Piggott & Jones. "But I wonder if you are aware that many people think as I do, including members of your grand jury?"

"I am—several of them have told me so."

"You believe they will indict Hale?"

"I believe they will."

"You'll insist on it?"

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"I should be violating my oath of office if I didn't."

"Dammit, Andy," burst out Mims, "what the devil did that nigger say that makes you so infernally sure?"

Griffin, who had not smiled before, relished the luxury.

"That's the State's secret, Mr. Mims. I'm not trying my case in the newspapers."

The attorney for the *Advocate* subsided.

Griffin said, "Gentlemen, I repeat this is a waste of time. If Hale is not guilty of the murder, I hope the jury will acquit him. If he is——"

"Damn Hale!" Benson Doughty had risen. "I don't give a damn what happens to Hale or the nigger or old Buxton or any of them! But I do care what happens to this community. Is that clear, Mr. District Attorney?"

They were all standing now, Griffin an inch shorter than the smallest save Ebenezer Schall. His leg-spread, however, outdid them all.

"And so do I, Mr. Doughty. But frankly, I care more what happens to the community's ideals than I do about its industries and commerce. Good-day, gentlemen. The elevator is the first turn to the left."

No victor surveyed the field of Austerlitz with ches-tier elation than did Andrew Griffin their departing backs.

\* \* \*

## HALE INDICTED!

\* \* \*

## DEATH IN THE DEEP SOUTH

Thomas Hale left the cafeteria and walked heavily to the park to read again the letter from his wife, and its enclosure. More and more, the last few days, he hated to return to the empty house.

*I am all right. You must not worry. The weather is quite warm here, so different from New York, but the trip was not bad. Sybil and the lawyer, Mr. Piggott, met me and took me to this boarding-house where she is staying, a very decent place and everyone most kind. Sybil is a splendid girl. At least, this dreadful trouble has given me the chance to appreciate our daughter-in-law's many splendid qualities. About Robert, you must not worry too much. I have seen him and though he looks very thin and worn, poor boy, and it is horrible to have to talk to him behind prison walls and each time for such a little while, he is bearing up splendidly all things considered. The enclosed letter is distressing, but I did not know what else to do except as he said. He fears everyone, so he dictated this to Sybil—so fortunate she knows shorthand!—while the guard was not watching closely. Since he asked me not to show it even to Mr. Piggott, I did not but am sending it along as I promised him, hoping it will not worry you too much but will explain his feeling about the case as I cannot and may lead you, with God's help, to some way to save him . . .*

With God's help . . . to save him . . . Thomas Hale read once more the pages in Sybil's neat script.

*Father, I trust Sybil and Mother to get this to you. If I wrote directly, they would destroy the letter or in some way use it against me. They are*



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*accusing me of killing a pupil, a girl I scarcely knew, on the strength of a lying story that I was in love with her. The truth is that most of the people here are ignorant fanatics who have never forgotten the Civil War and never forgiven it. Because I happened to be the only Yankee in the school where this girl died, they have singled me out to pay the penalty for another's crime. It is, indeed, incredible. But you do not know this country. It is capable of any cruelty. Its authorities, the detectives and the guards of this jail, are no better than beasts. They are capable of railroading me to the chain-gang or worse on the flimsiest, trumped up lies. I have a lawyer, but after all he is only another southerner though more intelligent than most. You must do this. There are organizations in the North that make a business of saving innocent men from prison. I do not know the names or who you should see but you can easily find out. I mean the people who helped those Scottsboro boys. You must go to them and tell them . . .*

Thomas Hale folded the letters and put them in his pocket. Before he left the park, he jotted figures in a notebook. They concerned his salary, his savings and the sum for which he might mortgage his home. When he had added the total, he went to a drug store, called the *New York Times* and asked for information.

\* \* \*

Summer flares early and burns long in the far South. By mid-May the heat took hold in earnest, dried the

## DEATH IN THE DEEP SOUTH

creeks to gullies, parched the fields, brought the tar bubbling to the hard roads and laid farmers gasping with their stock in the fence corners. Even in the cities, where fans hummed and tall drinks bubbled, heat ruled and the people saluted it as master. "Is it hot enough for you?" they bleated, yet in their very woe was a sort of pride as if they had created the climate. The heat belonged to them and they to it, blood brothers fused and tempered in the chemistry of this hot, lush land.

On the last day of May the Voice of Dixie—Randolph Ames speaking—gave to the sultry winds the flash that Hale would go to trial in the Superior Court of Danderry County on the fourth Monday in July.

\* \* \*

Though at least three people are killed in the United States every day of the year, the public is unaware of the majority of these homicides since the newspapers generally publish only those occurring in their own circulation territory . . .

—*From a report of the Society for the Preservation of Individual Liberty.*

The lizards slept on Mary Clay's grave in Flodden church-yard before a dozen people north of Virginia had heard her name or cared very much whether Robert Hale lived or died. Occasional dispatches in the *Times*—half a column when Hale was indicted—pictures in the *American*, "New Yorker Held for Murder; Wife Who Sticks by Him"—nothing in the tabloids, fat with sensations nearer home—that was New York's glimpse of the tempest in a southern teapot. Murder in Mississippi? Or is it Alabama? . . . No matter, they're always slaughtering somebody down there; how's about the Long Island Borgia today?

The managing editor of the *New York Independent*,

## DEATH IN THE DEEP SOUTH

summoned to his publisher's office on a Friday in June, said "What case?" when Mr. Clem told him he wanted information about the case of Robert Hale.

"Hale," repeated Judah Clem, staring the famous Clem stare, as if the managing editor were so much ectoplasm and he was observing through it the approach of his successor. "The man that's under arrest for the murder of Mary Clay." His tone implied that the managing editor should know Mary Clay as well as he knew Mrs. Roosevelt.

"Oh, yes! *The Times* had a story . . ."

"Nobody's had the real story," said Mr. Clem and gave the managing editor the information managing editors should have at their tongues' tip. He did not mention that the Society for the Preservation of Individual Liberty had given it to him that morning, though he did mention the Society.

"Those fellows are a lot of crackpots, but this time they may have something. Clay's father got their support and now they want ours. They propose that we send an investigator down there. One of our own reporters or, if we want to keep the *Independent* out of it at this stage of the game, a Burns man or a Pindar man. They want Pindar because he's cheaper and Pindar himself will go. They pay a third of the expense, Hale's father pays a third and we pay a third. If the investigation shows Hale is getting the raw deal they claim he is, we go to bat for him . . . If not, we get exclusive rights to a lot of inside stuff."

"I wouldn't touch it with a ten-foot pole," said the managing editor, a Tennessean. "The South is awfully sensitive . . ."

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Judah Clem interrupted. The managing editor, who had been two weeks in the job, was yet to learn that his boss usually made his decisions yes if his subordinates said no. "I think it's a good story, Mr. Nolan—murder, mystery, sex—a strong New York angle—the wife, the mother—let's go to it. Wire for the newest stuff, play it up. *The Independent* has always been a crusading paper. By the time we hear from Pindar, we can already have the public keenly interested."

In the city room, the managing editor said, "You'd better get ready for a trip south, Otis. The chief's all worked up about that Hale case."

"Another one, huh?" Otis grinned. "Last time it was Arkansas share-croppers and before that the fugitive from the chain-gang and before that the Ku Klux Klan. The Old Man never misses a chance to take a poke at the South."

"So that's it—"

"Sure! His grandfather got killed at Gettysburg or helped Sherman burn Atlanta or something—he's a bug on the Civil War, whistles 'Marching Through Georgia' in his sleep and writes an editorial every Decoration Day to prove Grant was a better general than Lee. Don't you know about the Old Man? He hates southerners!"

"I'm beginning to suspect it," said Mr. Nolan from Tennessee. "However, let's hop to his Hale story before somebody lynches the bastard."

"Which bastard?" said Otis.

In his office, Judah Clem said into the telephone, "Mr. Rabinoff? You haven't spoken to the *Post* or the *World*—

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*Telegram* yet, have you? . . . Good! We've decided to go along with you . . . Tomorrow morning? Very well, I'll expect you to have Mr. Hale and Mr. Pindar here. Goodbye, sir."

Judah Clem regarded the portrait of Abraham Lincoln as if he saw Mr. Rabinoff hiding behind it. He then fell to studying the report of his circulation manager.

\* \* \*

NEW YORK JOURNAL—INTER-OFFICE MEMO—JUNE 4

Have you noticed how *Independent* is playing this Hale story? Shall we go after it? . . . A.S. . . . Yes, good story, W.A.C.

WESTERN UNION TELEGRAM. NIGHT PRESS, PAID, JUNE 5. MANAGING EDITOR MORNING MESSENGER...INDEPENDENT HERE CARRIES TWO COLUMN STORY YOUR PAPER QUOTING HALE'S ATTORNEY HE WILL SEEK HABEAS CORPUS WILL YOU CONFIRM AND WIRE PERMISSION REPRINT. ALSO ANY NEW DEVELOPMENTS....NEW YORK SUN.

TELETYPE, NEW YORK TO ATLANTA. JUNE 5. SEND MAN IMMEDIATELY TO GET FRESH PICTURES ROBERT HALE WIFE MOTHER ET CETERA. IF NECESSARY HIRE PLANE. ALL PAPERS HERE ARE PLAYING STORY STRONG AND WE UNDERSTAND ACME IS SENDING MAN FROM NEW YORK. LETS TRY TO SCOOP THEM. CAN YOU POSE HALE AND WIFE IN CELL? ANY BETTER PICTURES OF MARY CLAY AVAILABLE?...BAKER.

ASSOCIATED PRESS. JUNE 8. ATTENTION BUREAU MANAGERS PLEASE POLL PAPERS ON HOW MUCH THEY WANT HALE STORY WE HAVE BEEN HOLDING DOWN OUTSIDE SOUTHERN CIRCUIT BUT WILL LET STORY RUN IF DESIRED IN VIEW OF

## DEATH IN THE DEEP SOUTH

INTENSE NEW YORK INTEREST.

INTERNATIONAL NEWS SERVICE. JUNE 8.  
DONOVAN BE SURE FLASH DECISION HALE HABEAS  
CORPUS PLEA.

UNITED PRESS. JUNE 10TH.  
FILING SPECIAL STORY HALF AN HOUR BY STAFF  
CORRESPONDENT REVIEWING HALE CASE TO DATE  
2000.

JUNE 12.  
FLASH FLASH FLASH  
HALE HABEAS CORPUS WRIT DENIED.

\* \* \*

### HEAD OF PINDAR AGENCY HERE SECRETLY TO MAKE NEW PROBE OF HALE CASE

**Says, "I seek only truth!" But Admits He was Hired  
by Defense and New York Newspaper**

"Well, it's good publicity, anyway," said Mr. Pindar in his hotel room, still jovial but a bit pink under his moustache.

"What do you think of that, Harmon?" said Andrew Griffin. "But whatever you think, let's give the gentleman our wholehearted cooperation."

"Excellent!" said Mr. Whipple. "Now our Little Corporal may have something to worry about!"

"One of those Pindar punks, huh?" said Lieutenant Tucker. "Listen, Briggsy, I'll betcha the beers he don't find out nothin'!"

Ben Piggott frowned, sighed and sent up his card.

"The son of a bitch," said Shack Clay.

Mrs. Thomas Hale wrote, "And I have a feeling, dear, it is the beginning of the end of our worries. Robert says I must return north. I seem to distress him

## DEATH IN THE DEEP SOUTH

more than I help him. If I leave here next week . . .”

\* \* \*

After they had put Mother Hale on the train and driven back to the boarding-house, Mr. Piggott said he would come in for a few minutes. Oblivious to its prickles, he sat on one of Mrs. Coogler's hair chairs while he addressed his invisible partner.

“She'll be better off where it's cooler and I suppose it's a good thing to have someone give Mr. Hale and those other people a first-hand picture of what we're up against. It's going to be lonely for you, though.”

Sybil protested. She would be all right. No white kitchenette adjoined this room, smelling faintly of matting and old plaster. The bed stood behind a screen, the bath was down the hall and the single window, instead of overlooking trees, faced a lot choked with weeds except for a filling-station on the corner. But she had done her best to “fix” it. Her last summer's scarf made a throw over the pine table, Robert's picture hid the peeled spot above the dresser and she put the bowl and water pitcher behind the screen when she received callers.

“I hope she convinces them that Pindar has done enough,” Mr. Piggott continued. “He's a good fellow and of course it was wise to make our own investigation. Still, if they had consulted me first, I would have recommended a local man. Not that the Pindar people aren't all right, but sending the head of a big national agency—well, it's apt to rouse antagonism. You realize that, don't you?”

Sybil started and said yes. She had grown into the habit of hearing Mr. Piggott without listening to him

## DEATH IN THE DEEP SOUTH

while her mind drove the endless circuit of her troubles. Yes, she had seen Mr. Pindar again yesterday. He was a very nice man. But he had seemed rather worried . . .

"He's going to Flodden tomorrow. He thought it necessary. I cautioned him . . ." Mr. Piggott's voice went on, soothing in its monotony.

Mrs. Coogler had been good about the callers. Gentlemen always waited in the front parlor for their ladies, Mrs. Coogler had explained, but with Mrs. Hale having to see lawyers and detectives and gentlemen of the press, it was perhaps better if she saw them upstairs. She might even close her door, Mrs. Coogler conceded, her forethought rewarded by many hours of eavesdropping and gusty gossip about "the case." For "the case" was paramount among Mrs. Coogler's neighbors and she herself, as Mrs. Hale's landlady, an envied authority.

Sybil was grateful to Mrs. Coogler, just as she was grateful to the other boarders when they spoke to her on the street or passed her dishes at table or made painstaking conversation about matters removed from "the case". Sometimes it was hard to be grateful—for instance, when Mr. Bundy joked about the radio tenor's "execution", which he favored, and then begged her pardon. But Mr. Piggott had advised her to "be friendly", which was his way of saying to be grateful, and whatever Mr. Piggott said to do she would try to do. Even at night, in the utter aloneness, in the tiny room that was like a pod being whirled toward a precipice, she fought to "be friendly" against the reality and the dread. The very laughter in the street might be one to bear witness against Robert, the driver shattering the midnight quiet a potential juryman—they must not



think of her as a "cold Yankee", she must not hate them.

The hardest not to hate—to be friendly to—were the reporters. And they were so important. "Don't tell them anything, send them to me," Mr. Piggott had instructed. "But for the Lord's sake, be friendly! Kid 'em along and, if it's pictures, let 'em take all they want." So she had smiled once more on the reporters and the men with the ceaseless cameras and looked sad when they said to look sad and tried to laugh when they said to laugh. And when Dolly Holly called her honey and Lew Price stared at her legs and the photographer of the *Messenger* put his pimply hand to her cheek to get her in just the right light, she did not quail.

". . . and if you're worried about anything, telephone me. You have my home phone number, haven't you?"

Mr. Piggott's voice roused her from that perpetual spectre of Robert. Robert as she last saw him, as she always saw him in her dreams, walking away from her in a red haze, the guard in front and the guard behind and he between with the back of his head growing smaller and smaller, walking away from her until he vanished and the tread of his feet died. Always she waited for the sound. A muffled bang. Benediction.

"Oh, yes!" she said to Mr. Piggott. "Oh, yes—I'll be all right."

After he had gone, she washed her face, combed her hair and put on the negligee Robert had given her for her birthday. She knew she should do those other things, the cold cream, the lotions, but she was very tired tonight . . . Robert, Mr. Piggott, gentlemen of the jury, please do not mind if I leave off the cold cream tonight

## DEATH IN THE DEEP SOUTH

. . . She sat by the window, wishing for a breeze and watching the street shadows where the filling station's glare thrust through the trees . . . Half an hour later, when Mrs. Coogler knocked, she was crying silently in the darkness.

"Mr. Price of the *Advocate*, Miz Hale—says he can't wait, dearie; says it's something mighty important."

Sybil pulled down the shade and lit the lamp. She tucked the negligee around her. All right, Mr. Price could come up. Anything to get rid of the old woman's greedy eyes.

Lew Price declined the chair, tossed his hat on it and shoved the screen aside to sit on the bed. Sad-Eyed Sybil's Sanctuary—Grieving Wife Prays Nightly to Hale's Picture—was old stuff to him as it was to most of the *Advocate's* readers or to Mrs. Coogler herself.

"Well, little lady! This time the Greeks bear gifts . . ."

A New York syndicate wished to buy Sybil's story. They would pay five hundred dollars. A neat contribution to Robert's defense, eh? . . . But of course she had a story, everybody had a story. She didn't have to write anything about the murder or Robert, just about herself, what she thought about Life and so on, her Own Story . . . And she really didn't have to write it. He'd do that and she'd approve the copy. All the syndicate wanted was her by-line. By Sybil Hale . . . Gallant Wife Tells Own Story.

"Oh, but I couldn't . . ."

"Why not? I'd make you a swell little collaborator,

Sybil!"

His halfback's shoulders dwarfed the wall, his sky-blue eyes mocked her. She thought: if I refuse, he will write something nasty about Robert.

She said, "Well, I'll speak to Mr. Piggott."

Lew Price crossed his knees and hummed Home on the Range. Christ, it was stuffy here; but kind of cozy, too. Why did women's bedrooms always do this to him? Price, you're a fool . . . even in a negligee . . . He said, "Hot tonight, isn't it?"

Yes, it was hot . . . here in this bright pocket, with the shut door, the drawn shade. The bugs fly against the shade and those that get inside buzz against the light until it burns them and they die. I am sorry for the bugs. But when he goes, I can put out the light and raise the shade and perhaps there will be a breeze. Will he write something nasty about Robert?

Price got up. "I'll see Piggott . . ."

He stood tremendous above her and suddenly Sybil was aware of nothing but the intense blue of his derisive eyes. She closed her own.

Mrs. Coogler, outside the door, feared for a second she was going to sneeze. They had been awfully quiet for the last five minutes.

Sybil whispered, "Don't—please don't!" She freed her lips. "You won't write anything bad about Robert, will you?"

"Good God," said Lew Price. He picked up his hat. As he told the boys next day, there it was if you wanted it but not for him; by God, it was too much like necking a corpse.

\* \* \*

## DEATH IN THE DEEP SOUTH

Toward dawn the breeze blew.

It crossed the city, stirring the dusty trees, rustling wastepaper in the gutters of the empty streets; at the jail it whispered and tiptoed down the corridors. Robert Hale sat up on one elbow.

Only the whispers, the tiptoes, coming and going through the dark. Then, moaning, rising until the prison rang with it, a human voice screaming inhumanly—and in its wake the yelling of a hundred convicts, the concerted clashing of the bars.

The guards were running; in another moment the cokey would be gagged.

Robert Hale, digging the nails into his dry palms, fought against the slow opening of his jaws. When, at last, he could lie down again, perspiration soaked him.

He put his head on his crossed arms and waited for the breeze. If he counted one thousand, if he made his fingers loose and his jaw slack, perhaps the hammer in his head would stop. Before sunrise perhaps he would sleep.

\* \* \*

In the Valley of the Shenandoah the sun broke the mists above the laurels, silvered the streams and with a long needle touched the box beside Frank's Bar-B-Q. The rattler woke and stretched.

\* \* \*

Flodden at eight o'clock in the morning was like Flodden at almost any hour, the station closed, Crazy Wilkes asleep with his dog under the Confederate monument, an occasional Ford batting around the square to Nelson's hardware store and Main Street a millpond of dust, the scent of honeysuckle, pecking chickens and

the soporific drone of cicadas.

Today, however, Crazy Wilkes was not asleep. He had taken up post by the old brickyard, where the dirt road ended and the concrete began, and there he stayed, squinting along the concrete, his sly halfwit's smile turned now toward it and now toward the square. With every Ford that stopped under the sycamores, his smile cracked wider.

"Come back heah, dawg," said Crazy Wilkes. "You huntin' trouble, too?"

At nine o'clock, Crazy Wilkes waved his hat.

"Car comin'!" he cried. Dust drowned him; holding his dog, he spat into its swirl.

The big, red man alighting from the Cadillac, saw Arcadia asleep. He thought instinctively of old oaken buckets, churns and cradles. There should be a village blacksmith here, not that row of tin cans.

Knocking the dust from his white lapels, he said to the chauffeur, "Nice town."

He marched toward the tin cans. As he neared them he was reflecting that even Fords must have owners; then he saw them all.

Ranged along the curb, they waited him. Men—a dozen, a score, half a hundred—their backs to the stores, their dour faces to the square. And every man's hands were in his pockets.

Pshaw—thought the big, red man—they don't pack gats down here. He stopped.

"Can anyone tell me where the Clays live?"

A voice said, "You Pindar?"

"I am Pindar."

He had identified the voice—that hard number in

the first row.

The hard number said, "You're lookin' at a Clay now." It said, exactly as they say those things in melodrama, "Go back where you come from, Pindar, and go while the goin's good!"

Pindar hesitated; a moment too long.

Another voice yelled, "And take your sonsabitchin' murderers with y'!"

Something flickered in the air. Pop!

Pindar staggered. For an instant he thought he had been shot. But that . . . staining his coat, running down his immaculate trousers . . . that yellow, gooey substance . . . that was not blood.

Another flicker, another pop. Pindar's head went back. Pop! His hat flew off.

"Run, y' sonsabitch!"

Pindar ran.

He had a gun in his pocket, but some god of sober Second Thought kept it there.

\* \* \*

In his private office, Judah Clem fumed.

"I cannot understand, Mr. Pindar, how you could allow yourself to make such a blunder! Here the *Independent* spends a great deal of money—our share of your fee—of your expenses and the expenses of your investigators—to send you personally to the scene of the crime. You are gone weeks. You investigate. You give out interviews. You promise many things—the whole country waits—and what is the result? You are rotten-egged out of a jerkwater town—rotten-egged!—by a handful of hoodlums! You are made a laughing-stock, and the *Independent* is made a laughing-stock.

And to what purpose? Precisely nothing!"

The big, red man held his temper.

"You have my reports, Mr. Clem."

But Judah Clem waved the litter of papers aside.

"What were you doing in Flodden, anyway, Mr. Pindar?"

"I went there to see the girl's family. I hoped to get an angle . . . If I may say so, Mr. Clem, the original blunder was pulled by the *Independent*. You should never have let it out of the bag that you were sending me down there. But you had to crow about your enterprise! I couldn't move after that without a reporter at my heels. Those Flodden folks knew I was coming almost before I did. The famous Yankee detective, in town to save Hale's skin! Of course they made it hot for me. I'm surprised they didn't lynch me. I tell you, Mr. Clem, you don't know those people, you don't realize the temper of those people. They're excited enough in the cities over this murder; out in the little towns they're rabid.

"And by the way, those were not 'rotten' eggs, they were simply—eggs."

Clem said: "What do you mean I don't know those people? I've fished and hunted all through the South, Mr. Pindar."

"Sure, sure—and played golf at Pinehurst and tea-partied at Palm Beach. You take the South just to look at and it's no different from the rest of the country. They've got their silos and their filling-stations and their radios and their moving picture shows and all the rest of it. You drive through the South and you see those good roads and big bridges and swell schools the taxpayers bought—and maybe more of 'em down there

than anywhere else since Roosevelt got elected—and you think to yourself, ‘Hell, this is no different from New Jersey!’ But I don’t know, Mr. Clem, they’re a funny people down there. I mean they’re a clannish people, they’re a sensitive people and a proud people, even the ones that haven’t much to be proud of. The climate may have something to do with it. Hot as blazes. They laugh quicker and they fight quicker and they hate like hell for other people to tell ’em how to run their business. It gets their dander up, Mr. Clem.”

“They’re a pack of stiff-necked rebels!” said the publisher.

Pindar nodded.

“Sure. That’s right. We never should have let ’em lose that war. It kind of ruined ’em for cooperation. But don’t make any mistake, Mr. Clem, they’re not all hoodlums, they’re not all fools. Plenty of them think Hale is innocent, though they ain’t saying it out loud any more. Plenty of them think Griffin is all wrong. They’ll tell you Griffin’s goose is cooked if he loses this case. But the same people will tell you, if Griffin wins, he’ll be the biggest pebble on the beach. Governor if he wants to be, United States Senator, anything! There won’t be a job too good to give Little Andy.”

“Griffin!” snorted Clem. “A smalltown shyster, I suppose.”

Pindar took out a cigar. “Mind if I smoke? Thanks . . . Why, no, I wouldn’t say Griffin was one of those things. Matter of fact, to meet him he’s a right nice little feller. Gave me plenty of cooperation except with the nigger. Ambitious? Sure he’s ambitious! Playing politics? Of course he is! Crooked? Well, he’s a lawyer. But don’t



## DEATH IN THE DEEP SOUTH

make any mistake about it, Mr. Clem—Griffin's an able citizen . . ."

\* \* \*

Except for the pale pools of light cast by street lamps, the night was black. It was very late. In one house a light burned. Andrew Griffin, shirtless, his chest wet, the lock of hair glued to his forehead, crouched among a heap of books and papers. Every now and then he wrote. Often he mumbled as he read. Once he rose and strutted, talking out loud.

"Now this business of good character—the law, gentlemen, says good character must not hinder conviction if the defendant's guilt is plainly proven—and we must assume furthermore, gentlemen, if his character is not put in issue, he is as fine a man as there is on the face of the globe. And the State can't question his character unless the defense puts it in issue . . . All right . . . Will they? . . . Let's see . . ."

He dove for a book, reading: "Where character is put in issue, the direct examination must relate to the general reputation, good or bad, but on cross-examination particular transactions or statements of single individuals may be brought into the inquiry in testing . . ."

The telephone in Griffin's hand slipped from his own sweat. He put it down, jiggled the hook and gave a number.

"Harmon? I want you to go to New York in the morning . . . What? . . . I don't give a damn if it is the middle of the night. You don't think I'm sleeping, do you? . . . No, I can't trust anybody else with this job. They'd massacre a dumb detective on Broadway after what Flodden did to their man.

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"Listen . . . Are you listening? . . . There's an old saying, Harmon, that in every man's past is an error he'd like to forget and an enemy who always remembers. I want the error in Robert Hale's past if you have to dig up every friend or enemy he ever had. We may not have the opportunity to use it, but if they put his character in issue—and you can bet your bottom dollar they will . . ."

\* \* \*

"You mean he's sincere in this thing?" said Judah Clem.

"Sure he is. You can't believe anything else when you look back at what happened. Why, Mr. Clem, they tell me he had Redwine wrapped up and tagged for the chair if he'd wanted to put him there. The local police were all for jugging the nigger and calling it a day. They believed they could get a confession and, anyway, they had enough on him to convict twenty niggers—before a white jury. But Griffin wouldn't stand for it. As a matter of fact, the police overplayed their stuff. They planted evidence on Redwine and Griffin caught on and threatened to jail the lot of them. It's all there in my report—the defense may be able to use some of it if they're careful. But they'll get precious little help from the police now. Those babies are eating out of Griffin's hand, they're running around panting to pick up any crumb against Hale. Griffin believes Hale is guilty—okay, the police believe Hale is guilty."

The publisher burst out: "But how can any honest, reasonably intelligent man believe that?"

Pindar fondled his moustache.

## DEATH IN THE DEEP SOUTH

"Did you read that part of my report summing up the evidence against Hale?"

"Of course. The flimsiest sort of guesswork!"

"Well, it's all circumstantial, if that's what you mean."

"Not only circumstantial, but probably framed the way they framed Redwine."

"No," said Pindar, "no. Griffin's too smart to frame evidence. He's a bulldog for facts."

Judah Clem studied his detective as if the notion had suddenly occurred to him that Pindar's moustache was some sort of disguise.

"Mr. Pindar," he said, "I believe we made it clear to you in the beginning that you were being retained to make an investigation entirely independent of other investigations. You were not to be influenced by the findings of the police, the newspapers or Griffin's henchmen. Was that your understanding?"

"That's right, Mr. Clem. And I believe I made it clear to you," said the head of Pindar, Incorporated, "that my agency always cooperates with the police in a matter affecting the public welfare, and in a crime like this my agency is in honor bound to turn over to the police all its findings."

"Yes," said Clem, "you did, but . . ."

"Regardless of who it hits," added Pindar with emphasis.

"Yes. But you were perfectly aware that the purpose of our investigation—of your investigation—was to get the truth as it concerns Robert Hale."

Pindar said nothing.

"What is the truth?" demanded Judah Clem.

The detective leveled a finger—"You have my re-

ports," he said—and Judah Clem sighed wearily.

"Very well. I'll read your reports. I will give them careful study. But I must say, from what I saw of them, they won't get us very far. You report this in favor of Hale, you report that against him—and most of it we knew before. Well, well, I shall show it to Mr. Gleason and get his opinion. Perhaps I had hoped for too much. In fiction the great detective plucks clues out of nowhere and announces the murderer. But we are not dealing with fiction, are we, Mr. Pindar?"

Pindar ignored Mr. Clem's playfulness. "Gleason," he said. "Mike Gleason? I heard you might retain him."

"Well, not exactly that," said Judah Clem. "But he's volunteered his services. He's a great liberal, you know."

"I know. Great fellow, Mike Gleason. Great criminal lawyer. Great brain, great heart. I was just wondering, to put it jokingly, how he likes his eggs."

Judah Clem made an impatient gesture. "Come, Mr. Pindar, because you . . ."

"Okay, I blundered. But that's blunders enough. I tell you, Mr. Clem, they're a funny people down there. Mike Gleason's a famous lawyer, but he's New York and that, to a lot of people, spells Tammany, it spells Wall Street, it spells . . ."

"Nonsense! Gleason's fought Tammany, fought the corporations. Besides, Hale has local counsel."

"I know. Ben Piggott's a nice feller. Smart feller, too. They think a lot of Ben Piggott down there. He hasn't hurt Hale a bit."

Judah Clem tilted his chair and critically studied Pindar's ectoplasm.

"Mr. Pindar," he said, "do you believe Robert Hale

is guilty?"

The Pindar arms folded.

"Mr. Clem, if that's an honest question, I'll give you an honest answer. I don't know."

\* \* \*

"—says he doesn't know. You gentlemen have read his report. What do you think, Mr. Rabinoff?"

"It quibbles. I still believe what I believed when I first read Hale's letters and talked to his father—the man is innocent. What is your opinion, Mr. Gleason?"

"As a lawyer, I must say, frankly, that my opinion depends a great deal on the negro's story. We do not know what it is. We must assume, even though it be damning, that it is the truth if he swears it on oath. But as a man, gentlemen, I have a very positive opinion. Robert Hale did not kill Mary Clay!"

Judah Clem smacked his fist on the desk. "That's all I want to hear. The *Independent* is in this fight to the finish . . ."

\* \* \*

Innocent—guilty—

"What you t'ink, hah, Rocco? About these Hale feller. Feller on subway he say to me today . . ."

". . . right here in Chicago was a similar case. They framed a guy . . ."

"Jersey Justice nuts! Except for the coons the South is just as fair as we are. They wouldn't arrest a white man unless . . ."

". . . and am I glad to be back! This clerk said, 'you're from Boston, are you?' and right away, 'What do they think up there about the Hale case?' So I told him and he got sore . . ."

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"Bureau managers attention please get immediately interviews your local jurists ministers et cetera Robert Hale's guilt or innocence . . ."

"Dear Mr. Farquarson: May I congratulate you on the success of your book and ask you if you would consider a newspaper assignment between best-sellers? We want you to report the trial of Robert Hale . . ."

"Hello, America! The Aircaster brings you a flash! Michael Gleason, famous New York attorney, announced today he had agreed to defend Robert Hale when his trial for murder begins . . ."

\* \* \*

". . . here tomorrow," Mr. Piggott said, "and when he comes you must go over it all again. You must tell him everything. Especially about that day. From the time Robert left home in the morning until you saw him that night, and everything after that till the police came. Everything! The least little thing is important and Mr. Gleason may see something I don't. Will you try to remember everything?"

"Yes," Sybil said. How many times had she remembered everything and told it to how many people!

"Don't hold back the stuff about Robert's suit the way you did with me. Just tell Gleason the facts. The suit had a spot on it. Robert said the barber cut him shaving; you sent it to the cleaner's. You had nothing to hide. It was the perfectly natural act of two perfectly natural, innocent people. You understand?"

"Yes," she said.

"I wish" . . . Mr. Piggott addressed his invisible partner . . . "we could find that barber. I never knew before barbers were such buglopers. They're worse than

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printers. He never showed up in Anniston where he said he was going. If the State puts the cleaner on the stand—and of course they will—the barber would help. Never mind—we won't be disheartened. Maybe he'll turn up yet."

"Yes," said Sybil. Long ago she had despaired of the barber. She hated to think of him. Like the cleaner and those other shadowy figures, the barber was only a hobgoblin on the dark road ahead.

"In a way," said Mr. Piggott, looking at her, but not seeing her, "it's unfortunate the law forbids husband or wife to testify for or against each other. You'd make a good witness. But perhaps it's just as well. If we could put you on the stand, they'd ask you things you'd hate to admit, and if you didn't admit them, the jury would think you were lying, anyhow. Maybe it's just as well. Maybe it's better just to have you in court where they can look at you."

Where they can look at you . . . next week . . . where they can look at Robert walking away from you in that bloody haze . . .

"Yes, Mr. Piggott."

\* \* \*

Judah Clem glared at the calendar, glared at Abraham Lincoln's portrait, and pushed a button. Then he began to dictate. "Slug it lead editorial page Sunday release. Put a head on it: 'The South, Not Hale, Goes to Trial . . .'"

\* \* \*

*From the New York Independent:* And if this man is convicted, it will be by a people whose only law is Judge Lynch, whether the mob holds the rope or the

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hand of the mob's elected representative.

*From the New York Herald-Tribune:* Though the advance evidence seems strong that Hale is a victim of prejudice and passion, we prefer to suspend our judgment until the courts have acted.

*From the New York Pictograph:* Instead of two ships for one this morning we are going to talk about the need for a few missionaries to Dixie's Land, where it appears the natives have captured a Yankee explorer and are firing the pot for a characteristic southern barbecue.

*From Heywood Broun's column:* Peary went north and discovered the Pole. His namesake went south and discovered Barbary.

*From the Philadelphia Inquirer:* Dubious spectacle.

*From the Chicago Tribune:* Savage intolerance.

*From the Denver Post:* We advise the South . . .

*From the Sacramento Bee:* California would never permit . . .

\* \* \*

Young Dan Ogletree, up from his father's cotton plantation to see his New York brokers, flushed when he was asked, good humoredly, if Northerners could no longer visit his home state safely. "I haven't been reading much about that Hale case," he said, evading the question, and that night, a little drunk in the Stork Club, defiantly sang "Dixie."

Mrs. Henrietta Slifer, as rash a meddler as the women's clubs of Alabama boasted, glowed and then frowned as she opened the letter from her national president. She distinctly did not like the editorial it quoted. "I move you that we lay this petition, reflecting



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on the integrity of our southron courts, on the table," she proposed at her Monday meeting. The ayes were deafening.

Durly Jones, fireman on the Atlantic Coast Line, told a District of Columbia judge, "I had just come off my run, your honor, and was havin' a beer when this feller shot off his mouth about the Hale case."

Major Tom Charles Timmons, grand old man of southern journalism, said to his editorial writer: "Read that damn thing. I don't care if Hale is as innocent as a suckling babe and they hang him higher than Haman, that's a vicious, slanderous, inexcusable attack on the entire South. If our friends down the road can't answer it—they may have too ticklish a local situation to say much—we by god will!"

\* \* \*

*From the Louisville, Kentucky, Blade:* Let the North pluck the beams from its own eyes! We are confident that our sister commonwealth will live up to the motto in its shield, "Justitia Virtutum Regina," in contempt and disregard of corrupt New York and gang-ruled Chicago.

*From the Memphis, Tennessee, Clarion:* Whether Hale be innocent or guilty, he will get a fair trial despite the South-baiters. But this attempt on the part of the radical northern press to invade states' rights cannot go unchallenged . . .

*From Billy Bixby's Wildcat Weekly:* The New England witch-burners and the Yankee Black Legionnaires who kill negroes "just for fun" are again spewing their venom on the Anglo-Saxon South. This time they are trying to save the neck of the murderer, Hale, the New

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York pervert who goes to trial today for the foulest crime ever perpetrated on an innocent daughter of Dixie in the first flower of her girlhood . . .

*From a letter to Heywood Broun:* If you ever come down here, you pole-cat, we will nail your hide next to Hale's . . .

\* \* \*

The sun rose at two minutes after five.

To the turnkey who brought him breakfast, to the trusty who shaved him and to the guards who waited while he dressed, Robert Hale said:

"Fine, thanks."



## **PART THREE**



NOT A FEATHER roughed the sky. No breeze blew. The sun drove through the shades of Mrs. Coogler's boarding-house and into Andrew Griffin's home, into Ben Piggott's and Mike Gleason's hotel; it woke Mary Clay's mother, who woke her sons, Luther, Shattuck and Ransom Scott Clay; it woke Tump Redwine, snoring in his cell; woke, when alarm clocks did not wake them, bailiffs and policemen and detectives, talesmen and witnesses, reporters, photographers and a million readers of newspapers and another million radio fans who would presently remember that on this day Robert Hale went to trial. The sun burnished the courthouse dome, flooded with light its marble walls and the granite steps that flanked it in four white segments. The terraces, soon to be trampled, shone bright green. Hoses played on them. Carts watered the streets. A thermometer in the Bench & Bar Restaurant said seventy-six in the shade at eight o'clock. It was a fine day.

As early, almost, as the sun, figures hurried across the square, up the steps and into elevators to an upper floor where methodical uproar soon set in. Typewriters and teletypes went into action. Telegraph keys clattered. Telephones rang. In one corner a radio mike was

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being geared. Copy boys began to race through the halls to the courtroom downstairs where, already, reporters milled around the closed doors. Stars and cubs were here. Sob sisters were here. Special correspondents were here. Mitchell of the *New York Independent*, Jarrett of the *Times*, Romans of the Hearst Newspapers. Chester Farquarson, the famous novelist, was here. Editors and friends of editors would be here. Their wives would be here. Their mistresses would be here. Anybody who could get a "working press" pass would be here. Movie men arranged sound machines on the courthouse steps. "Still" photographers packed fifty plates apiece. Journalism pitched camp for another "trial of the century."

Coatless police, snub butts of revolvers bold on their hips, stood at every entrance and at intervals of fifty feet along the curbs. Chief Strawn pranced a black horse up and down. "We will permit no demonstration," asserted the Chief. "The display of martial force was an invitation to violence," the *Independent* would declare. The crowd lapped the edges of the lawn despite the commands that everyone prove his business.

Yet it was a good-natured crowd, like a crowd that hails at last the arrival of fiesta. Hucksters sold ice cream and bottled drinks. A negro on a cart cried his water-melons. A peddler hawked neckties, another Japanese water-lilies, a third elixir guaranteed to take out the inkiest spot. On one corner a patriarch sang to a fiddle's whine

*Now come all ye good people  
And listen while you may  
To the true and tragic story  
Of little Mary Clay . . .*

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The crowd smiled. Some bought his songs. The peddlers prospered. The negro emptied his cart. The Bench & Bar Restaurant ran out of cold beer. Andrew Griffin entered from the east side of the square.

He came walking fast, so fast that Harmon Drake and two assistant district attorneys could scarcely keep up with him, a stocky pygmy in a white suit, hatless, a black briefcase under one arm, trotting up the broad steps like a quarterback leading his team onto the field, fidgeting while the cameramen made their shots, his flop of hair fair in the sun, his eyes sombre . . . "Okay, Mr. Griffin, now won't you say just a word for the news-reels?" . . . "No! Come on, Harmon" . . . Applause followed counsel for the State into the courthouse.

As though by arrangement, as though to avoid any appearance of haste or anxiety, counsel for the Defense arrived. The crowd saw the big car approach as if a stage manager had cued it for Griffin's exit, saw two women alight, saw Ben Piggott's red head flash with them up the steps, saw one woman shrink and the other persuade her to face the cameras—and wondered which was Hale's wife. Then the crowd's eyes returned to Mr. Gleason, of New York, leisurely attending.

"The leading counsel for the Defense," Bill Brock wrote a few minutes later, "gave the local boys an object lesson in what the well-dressed barrister should wear. Under his thatch of white hair he sported, in the language of fashion, complete 'morning attire'—dark coat, striped pants, white spats, ascot tie and a boutonniere. Mr. Gleason made a dramatic entrance at eight forty-five, taking his seat with Attorney Piggott and counsel at a table near the witness stand."



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With sixty other newspaper men and women, seated on long pine benches in the balcony of the courtroom, Brock strove to catch every twitch and whisper below. He spotted the familiar faces of witnesses whose testimony he could predict. Other faces must belong to talesmen who shortly would be asked whether they were opposed to capital punishment, whether they harbored any opinion as to the guilt or innocence of the accused, whether they were of such an open mind that they could listen unprejudiced to the evidence and, having heard it, reach a just verdict. Inside the railing, bailiffs joked in pretense that the State versus Hale was but another item on the calendar. The portrait of Justice Lucius Quintus Cincinnatus Lamar looked down from the folds of an American flag. His namesake, Judge Lucius Lamar Moore, would preside. The leading counsel for the Defense shook hands with the Commonwealth's attorney. Brock wrote, "Manhattan Mike made our Andy look like Skippy in the ring with Lord Chesterfield."

"Who's the old dame?" asked the woman on his left.

He told her.

Geraldine Gatty, covering the woman's angle for *Amalgamated Features*, wrote, "A mother's gray hair and tearstained cheeks may yet be the mute appeal that will save Robert Hale from the electric chair more than all the eloquence of his lawyers. The defense sprang a coup on the opening day of the trial by bringing to court Mrs. Thomas Hale, of Bayside, Long Island, who flew here secretly to assist in the battle for her boy's life." Here Miss Gatty scribbled for future elaboration, "Quote Kipling's Mother o' Mine, Mrs. H. flowered print dress, white straw hat, field flowers, white shoes,

white bag, white gloves, Sybil sheer black with white touches, looks organdy, black sailor, black pumps."

"There's Hale!" said Brock.

The accused entered through a side door in the custody of the Sheriff and two deputies, men of big frame. Their size shrank him. Between the deputies, the Sheriff leading, he seemed a confessed culprit and though he walked composedly, looking neither to left nor right, there was about his pallid face and the neatness of his hair the aspect of a man embalmed.

The breath of the spectators suspired in a long sigh.

"Hale sat down," Brock wrote, "in a chair in the front row directly behind his attorneys. His guards occupied chairs on either side. If they were armed, no evidence of the fact showed, though it was apparent they were watching the prisoner's least move. Hale conversed with Mr. Gleason for a moment and then, putting on his glasses, turned to that part of the room where his wife and mother were eagerly leaning forward. They exchanged smiles and Mrs. Hale, Sr., lifted a gloved hand. Sybil did not wave.

"Four rows behind Hale, just outside the railing, sat Luther Clay and his brothers, Shattuck and Ransom. Mrs. Jenny Clay, Mary's mother, was not with them. Any one of the brothers might have reached the prisoner's side with a single bound, but they did not stir and did not look at him again after the first glance. It is reported that 'Shack' Clay has sworn to 'get' Hale if the jury acquits him and it is said the boys were searched before they were admitted."

"The office will cut that, damn 'em!" muttered Brock.

"'Nothing inflammatory, please, Mr. Brock!'"

## DEATH IN THE DEEP SOUTH

Now there was a sudden knocking and attorneys hustled to their seats and people unfamiliar with court procedure turned curiously and asked audibly what was coming off.

"Everybody rise!" shouted a bailiff.

Some of the law's forms, thought Brock, are horribly prosaic.

Judge Moore, a small man not without dignity in his black robe, took his place on the bench.

"Everybody sit down!" bawled the bailiff.

"Oyez! oyez!" he cried—and seemed to blush at the unnatural words—"All ye assembled here now give your attention and ye shall be heard! The court is now in session!"

\* \* \*

In that interlude after the midday meal which is the hour for waiters to stroll the streets on a level with their fellowmen, lording it over bootblacks and barbers, the waiters in the Bench & Bar Restaurant made no haste to doff their aprons. They clustered near the door, watching the crowd across the street and paying scant heed to a lone customer lingering over his coffee.

"Some a them folks been heah all day," remarked the youngest and blackest waiter. "Whut they stickin' 'round for goodness knows. If it's Hale, Sheriff gonna jump him outah theah come five o'clock quicker'n' they can see straight. If it's Miz Hale or 'at New Yawk lawyer, ev'body done seed them a'ready. If it's the jury, they gonna be locked up and ain't nobody gonna see 'em a'tall. Some folks is curiouser 'an a cat."

"Tell me they git a jury pretty quick, way it's goin'," said another waiter.

"Will if Judge Moore have his way," declared the senior waiter, who had served eminent generations and was considered an authority on jurisprudence. "Judge Moore he don't stand for no tricks. If a man beg to be excused, Judge Moore want to know why. If a man sick, he want to know how sick. If a man say his mind made up like one say this mawnin', Judge Moore go after him and make him admit maybe he ain't so hard-headed but whut evidence will change him. Judge Moore a fine judge."

"Any women on 'is jury?" asked the youngest waiter.

"Not in 'is state."

No one mentioned—or for an instant pondered the fact—that there would be no members of their race on the jury.

"Paper say," said a waiter, studying an extra, "they done got five jurymens 'fore noon re-cess. Say Defense use half its strikes and State only use two."

"Mr. Griffin a smart man," said the senior waiter. "But Mr. Ben Piggott a smart man, too. Mr. Ben Piggott been doin' the examination for the De-fense. New Yawk lawyer better had leave it to him, too."

"You wait on 'em today, didn't you, Harvey?"

"Uh, huh. Mr. Gleason gimme a dollar."

The sunshine, slanting on glistening dark faces, reflected the senior waiter's glory and good fortune.

Said the youngest waiter, "Any time he feel like givin', Mr. Gleason can gimme them pants!"

The senior waiter chuckled. "Maybe you ask him you git 'em, boy. But maybe you better had ask him

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quick 'fore he give 'em to somebody else. I hear Mr. Ben Piggott talkin' to him 'bout those pants today. Mr. Piggott say, 'Cunnel,' he say, 'ain't you powerful hot in them clothes?' Mr. Gleason say as how he is kinder warm. Then Mr. Piggott say, 'Cunnel, why don't you git yourself some clothes more cool and comfortable? Now you take the jury,' he say, 'why, it makes a body hot just to look at you . . .'"

Across the square, the dust spurting from his bare feet, a small negro ran not aimlessly but with purpose in his heels. The waiters stopped talking.

"Dey got de jury! Dey got de jury!"

"You see?" said the waiter who had spoken before. "Didn't I tell you? Didn't I say they git a jury quick?" To the rear of the restaurant he shouted, "Mr. Foster, they done got the jury!"

The lone customer unhooked his head and shoulders from the book beside his cup. "Have they indeed?" He closed the book and got up in a series of angular extensions like a ruler unfolding. To the waiter who handed him his sombrero and his old raincoat, he said, "Reckon I'll just stroll across and hear Brother Griffin shoot his first gun."

The waiters watched Tump Redwine's attorney until he was a tall sliver in the sun.

"Mr. Foster he a smart man," said the youngest waiter.

The senior waiter sniffed. "Uh, huh," he said, "for some niggers!"

\* \* \*

". . . Now, gentlemen, as I have said to you, and I say it again because it is the duty of the district attor-

ney to say it and we want no cry of prejudice or persecution to be raised in this case, I say to you that this defendant is presumed to be innocent until he is proven guilty. The fact that he is under arrest, that he is sitting here in this courtroom in the custody of officers of the law—that must have no weight with you. The fact that he has been indicted by a grand jury—that has nothing to do with it. The grand jury is simply the grand body of inquiry for this county, it hears one side of a case—it hears a complaint—and if a true bill is returned on that complaint and a defendant arrested and brought to trial, he is still presumed to be innocent—the right of every freeborn American to be considered as innocent as you or I—until you, the jury, hear evidence that convinces you of his guilt beyond a reasonable doubt.”

Andy Griffin leaned on a chair, his shoulders, his forelock, the creases in his white suit bunched in earnestness, while the twelve men stared back earnestly into his earnest eyes.

“Now, what is a reasonable doubt? I repeat it is not a vague conjecture or a mere guess that maybe the accused is innocent. It isn’t the ‘benefit of a doubt’ you might give a friend. It must not be trivial or fanciful or cranky; it must be an honest, sincere doubt, the sort of doubt, as one eminent authority has said, which a man would have in determining the most important questions in his own life. If you do have a reasonable doubt after you have heard the evidence, of course you must say so. But remember, gentlemen, you are not here to find doubt; you are here to find truth. And remember, too, that there is no such thing as absolute certainty in

## DEATH IN THE DEEP SOUTH

any case in law. What we are trying to discover is the moral certainty—the reasonable certainty as opposed to the reasonable doubt—as evidence may develop it. And you, gentlemen of the jury, are the sole judges of the evidence and the truth.”

They were twelve such men as you might pick out of almost any church or barroom, neither very old nor very young, neither threadbare nor marked by opulence, nearly all of them boned and fleshed in the Anglo-Saxon mould, nearly all freckled in some degree by the southern sun, and about none of them an outstanding characteristic except as it might appear to a grizzled jury-shark like Mr. Foster.

“I say there is no absolute certainty in cases of law,” went on the prosecutor. “Instead there is evidence—direct evidence and circumstantial evidence. Don’t let that phrase, ‘circumstantial evidence,’ bewilder you or confuse you, gentlemen. You’ve all heard it used many times and maybe some of you have heard it misused. If you were here when the other talesmen were examined, maybe you heard some of them say that they wouldn’t convict on circumstantial evidence and maybe you heard his Honor, here, question them and you saw that none of them knew what circumstantial evidence really was. The difference between direct evidence and circumstantial evidence—and remember, gentlemen, the law says that the measure of proof can be established as well through circumstantial evidence as through direct; in short, that it is just as good—the difference between them, gentlemen, is simply this: in direct evidence the witness testifies directly to what he saw; in circumstantial evidence the witness testifies to the circumstances

he saw, from which circumstances you, as jurors and judges, draw whatever inference you naturally and reasonably and—yes, necessarily—would draw from those circumstances. For instance, if a man is charged with shooting another man and the witness testifies ‘I saw that man shoot that other man,’ that is direct evidence. On the other hand, a witness may see shadows of men struggling on the window of a room. He may hear a shot. He may go into the room afterward and he may see a victim lying dead or wounded on the floor and he may testify to what he saw. That is circumstantial evidence. Or, after he heard a shot, he may see a man flee . . .”

Four farmers and eight city men, decided Mr. Foster. That’s a break for the defense. They all look fair to middling honest except that shifty-eyed fellow. He recognized the cashier of the Union Bank and Ben Cooney of the Cooney Feed Company; one’ll vote like he thinks his wife wants and t’ other like he thinks his wife don’t, he predicted. Then Mr. Foster started. Good Godfrey! wasn’t that a lodge pin? How in Sam Hill did Ben Piggott get *him* on the jury? But wait a minute—I be dogged if that fellow ain’t from Cutler County where all the Griffins come from! . . .

“We come now, gentlemen, to the contention of the State in regard to the crime we are charging here. As the court has instructed you, what I am saying is not evidence but the State’s outline of what we hope to prove, presented so you will have an intelligent idea of the case when the evidence follows the argument.

“This crime—or rather, this alleged crime, for it is not yet proved—took place on the twenty-sixth of



April of this year. On that day, which, as you all know, was Confederate Memorial Day, a girl named Mary Clay left her home on the south side of the city to attend school. Mary Clay was fifteen years old. She was well developed for her age. She was, we are told, pretty and she was . . ."

Through the white walls of the courtroom, through the slumbering sunshine, the flag, the droning fans opened a city street in Spring. Down it a girl walked, laughing, the bow in her hair. "A girl of fifteen, well developed and pretty" . . . the prosecutor's dry words fell like the accompaniment to a newsreel.

Mrs. Thomas Hale touched a handkerchief to her lips. Somehow she had not been able to accept Mary Clay's existence before. Mary Clay was a name conjuring a spectre. Now, suddenly, Mary Clay lived as once she must have lived—a child who enjoyed holidays and bonny weather and the companionship of other children, who had taken lessons from her own son, who had eaten and drunk and looked forward to a sweetheart's meeting, who had paused in a doorway and waved and gone out of it never to return.

". . . back to the college. And there, in the basement of the building, at the bottom of the elevator shaft, her dead body was found at two o'clock the next morning. It is my painful duty, gentlemen, to describe the condition of that body as you will hear it described in the medical testimony."

Bill Brock's driving pencil kept pace with the prosecutor—contusions—lacerations—all the blood and all the bones. Let the office cut what it damned pleased. "She had also been criminally assaulted," he scrawled

and looked up. The defendant's rigid position had not changed. Sybil Hale stared at the back of his head. The defendant's mother had buried her face in her hands.

"Mr. Griffin laid heavy emphasis," wrote Brock, "on the scarred back and broken ankles. It is important to the State to establish that the attack took place on the third floor and not, as the Defense may contend, in the basement. The State will claim that only a fall down the shaft, either before or after the attack, could cause both ankles to be broken."

Geraldine Gatty, at Brock's left, was making annoying gulping noises. He wished she would either stop it or get out.

The buzzing of the fans was the only sound in the courtroom as Griffin paused to sip a glass of water.

"The State contends, gentlemen, that when Mary Clay returned to the business college to get her lost vanity case, her murderer was waiting there for her. It was a quarter to two o'clock when Mary left her friend, Imogene Mayfield, at the soda fountain. She could not have taken more than five minutes to walk from there to the business college. Witnesses saw her enter the building. None, in the State's knowledge, saw her leave. And one witness heard her punch the elevator bell and, when it was not answered immediately, walk up the stairs. That was Redwine, the janitor who later was to discover the crime. You will hear his story from his own mouth; I will not detain you with its details now."

The little son-of-a-gun!—thought Mr. Foster—he's holding out on 'em till he gets ready to spring it!

"At a quarter to three o'clock that afternoon, Mary Clay's friend, Joe Turner, grew tired of waiting for her. He decided to see if she was still in school. Redwine, meeting him at the door, told him all the girls had gone. This was not strictly true, though Redwine did not know it. Mary Clay was there but she was already dead. She had been killed, perhaps half an hour, perhaps forty-five minutes before, on the third floor of the building adjacent to the classroom presided over by this defendant."

For the first time, with an inclination of the head as casual as it was dramatic, Griffin glanced at Hale.

"Robert Edwin Peary Hale," he said, pronouncing each name as if he cut it from the others, "is the full name of this man. He is twenty-seven years old. He was born in New York City. He was graduated from a distinguished University. He is married. He has been a teacher at Buxton's Business College since September of last year—until his arrest in April. Hale knew Mary Clay. She was one of his pupils. We will bring witnesses who will tell you that he knew her well—well enough to call her 'Mary' and to single her out for his attention. We will bring other witnesses who will testify that his interest—the interest of a man of twenty-seven in a child of fifteen—was not without an effect on her. To be blunt about it, they will testify that she was infatuated with Robert Hale. The nature of his feelings toward her I shall ask you to infer from the evidence.

"The State claims that he desired her; that he lustfully coveted her; that his lust was not the inclination of a moment but a thing brewing in him for months until finally it mastered him. The State contends that on the

day Mary Clay returned to a deserted school, Robert Hale was only waiting his opportunity to reveal his passion and, if possible, to appease it. He may even have made his opportunity or at least anticipated that his opportunity was about to knock. The State will endeavor to prove to you that Robert Hale was in or near the classroom on the third floor of the college—that he could have been nowhere else—at the instant Mary Clay, ringing the elevator bell, deciding not to wait, hurried up the stairs and entered; that he there made love to her and, when she resisted him, attacked her; that, either frightened or excited by her struggles, he caused her to fall; that he then carried her to the cloak-room and there—raped her! . . . after which, his passion sated and fear gaining control of his senses, he dragged her to the elevator shaft, flung her body into it and, hastily removing the most obvious signs of his sin, fled from the unspeakable crime he had committed!”

The last word of the prosecutor rang and re-rang through the hush.

“That, gentlemen of the jury,” said Griffin quietly, “is the contention of the State.”

A chair scraped and bodies moved in the neighborhood of the defendant’s kin.

“Better flash it,” said the A.P. man. “One of ’em’s fainted.”

\* \* \*

DEATH IN THE DEEP SOUTH

**TRIAL OPENS WITH STATE CHARGING  
HALE MURDERED MARY IN  
FRENZY OF LOVE**

---

Defendant's Wife Collapses in Court  
as Prosecutor Describes Crime

---

**JURY CHOSEN IN RECORD TIME;  
TESTIMONY WILL BEGIN TODAY**

\* \* \*

*From a Stenographer's Brief*

Testimony of Vincent Owens, sergeant of police: That he was on desk duty at headquarters on the night of April 26-27 when, at ten minutes after two o'clock, he received a telephone message stating that someone was dead at the Buxton Building; that the voice was a negro's; that, when he asked who was calling, it said, "I'm the janitor"; that he then dispatched two officers to the building. Asked on cross-examination if he could tell a negro voice from a white voice, witness replied he could. Asked if he considered himself an expert on voices, witness said he didn't have to be an expert to tell that. Objection by Defense. Over-ruled.

Testimony of Patrick C. Duggan, policeman: That he was on call duty at headquarters at approximately two o'clock on the morning of April 27; that the sergeant ordered him and a brother officer to the Buxton Building; that when they got there, accompanied by a reporter who had been asleep in their car, they were met by the negro janitor, who took them to the basement;

## DEATH IN THE DEEP SOUTH

that there, at the bottom of the elevator shaft, they found the dead body of a girl. Witness described the appearance of the body and, on cross-examination, denied he or anyone else touched it until the arrival of the Coroner.

Question by Mr. Gleason: What was the condition of this reporter?

Answer: He was sleepy.

Q. Was he intoxicated?

A. No.

Q. Were any of you intoxicated?

A. We were not!

Q. How about the janitor?

A. Well, he may have had a drink or two, but when I saw him he was scared plumb sober!

(Laughter.)

\* \* \*

" . . . won't get very far with that line of insinuations," said the editor of the *Star* as he tossed the teletype across the desk to the managing editor. "What's he driving at, anyway? I thought Gleason was a smarter lawyer."

"Oh, he's just hitting at random. Objection this, objection that. But Little Andy's giving him tit for tat. Read this . . ."

The city editor came in.

"What are they doing now, Aleck?"

"Recess. They're still on the body. We've had the cops and the Coroner and the identification of the girl. Now it's the Medical Examiner. I expect it'll be pretty gruesome stuff . . ."

\* \* \*

## DEATH IN THE DEEP SOUTH

". . . finger nail incisions that had penetrated the platysma . . ."

"The what, Doctor? If you don't mind explaining to the jury . . ."

"The platysma is a muscle of the neck, above and in front of its anterior or ventral part, the throat I should perhaps say. There was a depression of the larynx and a congestion of the trachea . . ."

The voice went on, round and round, like a needle on a scratched phonograph record. The woman in the knitted shawl had listened for an hour . . . stoically, the newspapers would say.

The face should have been a peasant's shrouded in the shawl. It was not. Beauty had fused it once and a fine vivacity. She had been a Ransom of Culpepper before she married Elbert Clay; breeding still showed under the chaps, the lines, the anachronous shawl.

She wouldn't have worn it if they hadn't told her to. But they had found her, where she picked among her things, weeping over it. "Wear it!" said the fierce old woman, her mother. "Didn't she love it?—Didn't she give it to you?" . . . "Go on, Ma, wear it," said the sons. "You'll look a sight better in that, Ma, than anything *they'll* wear!"

She wouldn't have come at all if they hadn't carried on so. Darkly, harshly, like all the Clays. Driving all that way to Flodden to force her. Nagging at her till she was half crazy . . . *They're* there, Ma. Both of 'em. In their fine New York clothes . . . mooning at the jury . . . fainting in court . . . you've gotta go, Ma. Mr. Griffin says you gotta be there . . . today! . . . "Go!"

said that fierce old woman. She had consented, the wound bleeding fresh in her heart.

And so she was there. And so what?—as Mary used to say.

She had been embarrassed rather than distressed, for people stared. She had been bewildered instead of revengeful, for reporters demanded that she speak and she could say nothing. Now she did not even suffer, for she no longer felt. How could she feel when all she heard was incomprehensible?

“. . . trachea, larynx . . . abrasions of the adductor muscles . . .”

That was not Mary they were talking about, that was something in a doctor's head. Like one of those charts in a window. Like foreigners' jabber overheard in a train. Like doctors' talk when Pa had the sore on his tongue and you asked them what it was. Only a word intelligible here and there . . . “fracture of the skull . . . both ankles broken” . . . But that wasn't Mary, her little girl. That was a stranger who had died so complicatedly. That was a thing like a jumbled jigsaw puzzle they described.

“And now, if you will be patient just a moment more, Doctor. Hand me the bag, Harmon . . .”

She saw the prosecutor glance over his shoulder. She caught, for an instant, his eyes. She saw him stoop and grope. But she was utterly unprepared for the sudden flourish of his arm.

“The State's Exhibit F! Mark it, Mr. Clerk . . . Doctor, can you identify this garment?”

“Yes . . .”

“Objection!”



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Gleason was on his feet, Piggott was on his feet. But they stood tongue-tied, for the cry that paralyzed them shocked even Griffin, who had expected it. Exhibit F—one pink dress—had cut where words couldn't.

"Silence in the court! . . ."

"Your honor, we appeal—"

"Your honor, I insist . . ."

"Objection!"

"Silence!"

". . . sh-h-h-h, Ma, sh-h-h-h! Hush now . . ."

She sobbed into her shawl. The brothers patted her clumsily. District Attorney Griffin held his peace while opposing counsel protested. The jury brooded. "I guess Little Andy put one over," agreed the reporters.

\* \* \*

On the third night of the trial, after they had dined handsomely on red snapper and marched through the Crittenden lobby to the third floor, Juror Number 6 made bold to remark to John Felker, where he kibitzed in his undershirt on the poker game, "Say, Mr. Felker, what do you think of this case, anyhow?"

Juror Number 6, because he was the youngest of the twelve and once had met John Felker's daughter and because he was naturally of a cautious and serious turn of mind, had not felt sufficiently sure of himself before to ask such a question. He had heard others ask it and answer it and discuss the case and talk about almost everything else under the sun, mainly religion and women, but Juror Number 6, being both devout and continent, had pretended to read the *National Geographic Magazine*.

"What do I think?" said John Felker, enjoying his cigar on the taxpayers. "Hell, I ain't made up my mind yet. The trial ain't hardly begun."

"I know that," said Juror Number Six hastily. "I don't mean that. I mean—how do you think it's going?"

John Felker regarded the young man austerely.

"My name's Harrison," said Juror Number Six. "I'm in the real estate business. I met your daughter once . . . at a dance."

"Pleased to know you, Mr. Harrison." John Felker shook hands as if they had not been living together for the last sixty hours. He said, "Well, I'll tell you, I think Griffin's conducting a mighty smart case, a mighty smart case."

"You betcha life he is," said one of the poker players.

"He's established some mighty important things," continued John Felker. "He's established that the nigger phoned the cops, which to my way of thinking he never would have done if he'd killed her. He's established where the nigger was from the time he got off at the college till he come back—that is, if you believe the nigger woman's story and she looked to me like she was tellin' the truth. She says Redwine behaved like a natural nigger and nothin' that feller Gleason said, could twist her up or break her down. Like Griffin said in his speech, Redwine didn't know the girl was dead till he lit on the body. Then the Doctor testified she'd been dead ten or twelve hours. He could tell that by the stuff in her stomach. So—like Griffin put it to the Doctor—she musta been killed early in the afternoon, prob'ly before three o'clock. Then the Mayfield girl today, she swore Mary left her at a quarter to two . . ."

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"But don't you think," said Harrison earnestly, "that much of the medical testimony may be contradicted? You take the questions Gleason asked that Doctor. They indicate the Defense will bring experts of its own . . ."

"You betcha they will!" said the poker player. "They'll expert us to death . . . I'm out of this hand, gents . . . But listen, what the hell? Who cares what a bunch of experts testify? They'll disagree every time and nobody understands half that stuff about how long it takes stuff to decompose in the human stomach and all that crap. Listen . . . the girl went back after her vanity case, didn't she? That's what the Mayfield girl said. And she had a date with a guy, didn't she? All right. Why the hell should a girl hang around a school on a half holiday when her sweetie's waitin' for her? She was killed time she stuck her nose in the place. If she went back after her vanity case at two o'clock, it's okay by me that she was killed at two o'clock and I don't give a durn what your experts say."

"But don't you think," said Harrison, "the time element is very important. I've been making notes every night . . ."

"Nuts to notes!" said the poker player. "You'll note yourself to death first thing you know. This trial's liable to last two weeks."

"But you take the testimony today, about Hale's office being on the third floor, right off the classroom," persisted Harrison. "Now that's important . . ."

"You durn tootin' it's important. She was killed on that floor and everybody knows it. You watch Griffin stick it on Hale; in my opinion, he's gonna prove it on him. But notes ain't gonna help me make up my mind."

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No, sir. I've been on sixteen juries and four of 'em homicide cases and we stuck it on the guy every time. And we never took no notes. We listened and we made up our minds and we voted without no fuss'n' feathers and we voted guilty every time!"

"For Christ's sake," said another poker player, "don't you guys get a bellyful of this case in the daytime? Come on, Whitson, didja ever hear why they killed that guy in Arizona?"

"Okay, pal. Deal me in."

A pot was scooped. Conversation at the table became general.

"You honestly think we'll be here two weeks?"

"Hell, if we're out in that time we'll be lucky."

"But I got business—I got family duties . . ."

"Don't worry, brother. Your fam'ly duties probably bein' took care of right now . . ."

"Well, they better give us some'n' more to do than poker or you guys'll have all my dough."

"How about a radio? If we get up a round robin to the Sheriff . . ."

"Or a movie? They took the Hauptmann jury to a movie . . ."

"I open for six bits."

"Don't get too hot and bothered, son," said John Felker, tasting his cigar. "You got a long time comin' to make up your mind."

"Yes, I know, but just the same . . ."

Juror Number 6 shook his head. He said goodnight gloomily and, when he had reached his room, pondered for a long time the hot darkness steeping the building opposite his window. Whatever they said, however they

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joked and swore and made light of it, the fact remained that out there a human life went on, or stopped, as they should choose.

"By jingoes, nobody's going to bully me!" said Juror Number 6.

He wrote in his little book.

\* \* \*

"Now, Miss Hawkins, let me ask you this, just when did you first make the statement that Mary Clay was 'crazy,' as you put it, about Robert Hale?"

"I don't know exactly. When I first noticed she was, I guess."

"You don't know exactly. Was it before the murder?"

"Oh, yes."

"How long before?"

"I don't know."

Attorney Piggott, taking his hitch at cross-examination, seemed about to go to sleep, then suddenly shot out his jaw.

"Isn't it a fact that you didn't make this statement until after Mary Clay was killed?"

"It is not!"

"Isn't it a fact that a week after the murder you denied in the presence of witnesses that you ever made such a statement?"

"Well, I didn't want to get mixed up . . ."

"Isn't it a fact that you didn't make affidavit to it, swear to it, until a city detective brought you down to the district attorney's office and questioned you for hours?"

"Yes—no . . ."

"Your honor," Griffin rose slowly, easily, as a man whose objections have been few and well sustained—"he is bulldozing the witness."

"I am not. I am merely asking her . . ."

"Mr. Clerk, read the question."

Marcella Hawkins, a spindle of self-consciousness from her exposed insteps to the last hidden ringlet perfected yesterday by Madame Irene, wondered if she might rub her tickling nose and decided not to risk it. She continued to stare straight ahead while they squabbled.

She knew he was there, not a dozen feet away, and she knew how he must look—lean, spare, a little like Gary Cooper, though no doubt without the smile she had always called "cute" until she began to think of it as a sneer. He must be sitting stooped and a shade awkward, as he had always sat at his desk, no different now from then except no longer smiling-sneering. Well, thank goodness she didn't have to face him—and after today need never see him again.

. . . and when did you first notice it, Miss Hawkins? She could have told to the day, to the minute, if time were reckoned by pulse-beats . . . He'd had a habit of leaving his desk and walking to the window and up and down the aisles. Occasionally he would look over a pupil's shoulder. If she were practising, he might take the pencil himself. "Not that way, this way." And if he was nettled, as he often was, he might guide the pupil's hand as if it were a child's hand. And if he was in a good mood, he might pat her on the head as if to say "good doggie." Those were the younger pupils he patted, like Mary Clay. He had never patted Miss Haw-

kins. One day he almost did. She thought he was going to do it. She sat tense, waiting the touch of his hand. But he walked on up the aisle to Mary Clay's desk. Mary looked at him. And it was in that instant she knew it . . . "Crazy about him, she's crazy about him!" . . . in an instant, in a flash . . . And so did plenty of other girls know it . . . and would testify to it, too . . . Not those girls who argued, "Aw, gee, he didn't do any such of a thing, he was just being natural and friendly!" Not the ones who said, "Well, even if it was true, *I'm* not going to get mixed up in that mess!" Not the "Haleites" at school . . . But Hazel Finney and Frances Ann Morrison and Mamie Sikes and plenty of others . . . they would testify . . . just as she had . . .

"You say he 'made passes' at her? Explain to the court."

"Well, he was always touching her, fondling her you might say . . ."

"In the schoolroom?"

"Well, I never saw him do it outside."

"Did he ever fondle other pupils?"

"Sometimes . . . the younger ones."

"Oh, the younger ones! Did he ever make advances to you, Miss Hawkins?"

"He did not!"

But he might have, she said to herself . . . and just that once she was sure he was about to . . . and suppose he had? and suppose she had let him get away with it? Why, as she'd said to Hazel Finney time and again since the murder revealed that man for what he was: "Gee, Hazel, suppose I'd encouraged him when he made that pass at me. You know, that time I told you about,

when he tried to grab my hand. Or it looked like he was, anyways. Suppose he'd gotten away with it? Suppose I'd let him get fresh with *me*? How do I know he mightn't have kept *me* up there some day and started something with *me*? A man like that! How do I know *what* might have happened? Why, Hazel, it might have been *me* murdered instead of Mary Clay!" . . . And being spared such a fate by the grace of God, it certainly was her bounden duty now . . .

"Miss Hawkins, I believe the district attorney asked you this question, but I should like to repeat it."

Piggott, whose head had been close to Gleason's, smiled instead of glaring. She bowed haughtily.

"He asked you, I believe, did Robert Hale ever make any advances to you?"

"No, he didn't."

"Never touched you?"

"No."

"Never 'fondled' you?"

"No."

"Never 'made a pass' at you, as you expressed it. I see . . . Now, Miss Hawkins, let me ask you this question. Did you ever *want* Robert Hale to fondle you?"

The district attorney immediately was on his feet while the witness, her cheeks blazing, pressed her lips tight.

"Oh, very well, your honor, I withdraw the question . . . But I don't believe counsel can object to this one. Miss Hawkins, have you ever been married?"

"I do object, it's irrelevant, imma . . ."

"I don't care if I answer it! No, I haven't!"

"Ever engaged?"



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"Your honor, I insist he can't ask the witness questions like that. He is trying to imply something. He is . . ."

"Oh, all right, I withdraw that question, too. May I, with the district attorney's consent, ask a question that is asked of all witnesses. Surely there is no objection to this. Miss Hawkins, how old are you?"

"I—twenty-five."

"You are on oath, Miss Hawkins!"

"I said twenty-five!"

"Twenty-five. I see . . . Thank you, Miss Hawkins. You may come down."

Two jurors smiled. One frowned. Nine looked at the ceiling.

Marcella Hawkins came down with her head high. But outside the doors to the courtroom, instead of rubbing her nose, she began to cry.

In another room—round-eyed, whispering, primping, spared by the grace of God—witnesses waited.

Lew Price, prowling for "side-lights of the trial"—Many Women Among Spectators: Old Soldier Brings Family Fifty Miles by Ox-Cart—thought she was a cute kid and told her so.

"Oh, yeah?"

"That's what I said, baby, you got the cutest brown eyes I ever saw."

"Oh, yeah?"

". . . and the cutest little hands—and the softest."

She took them away.

"How 'bout a date some time, baby? How 'bout a little ride?"

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"Listen," she said, "I never been properly introduced to you."

"Okay, baby. We'll fix that right now. I'll get the Sheriff to introduce us. Howzat?" Before he left, he patted her cute little curls . . .

\* \* \*

The radio said, "When you hear the gong the time will be . . ."

She turned the dial.

The radio said, "Is it tr-u-u-u-e what they say . . ."

She turned the dial.

". . . add beans, grated cheese and paprika."

She kept on turning the dial till she got what she wanted.

". . . after yesterday's startling disclosures by his pupils, today forged tighter the links he is riveting around Robert Hale. Griffin concentrated on the circumstances of Mary Clay's death and Hale's behaviour when he was first suspected. Most of the testimony came from detectives who took Hale into custody and who combed the business college for clues. The Defense fought back bitterly. Attorney Gleason charged in open court that evidence favorable to Hale and incriminatory of Redwine was being suppressed. He told reporters he may seek perjury indictments against certain witnesses. One of these was City Detective James R. Laneart . . ."

Mrs. James R. Laneart made an extraordinary sound. In her mules, soiled dress and man's old straw hat—running from the store, dumping her groceries in the kitchen, stooping fatly to the dial—she had seemed a woman in a panic. But now, as she slopped into the

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ancient Morris chair and scratched her itching knees, she looked anything but frightened. She repeated her extraordinary sound. Anyone outside the dingy room would have sworn a horse had neighed.

The radio said, "Laneart excited Gleason's anger when he testified that on the night of his arrest Hale was 'trembling like a leaf . . .'"

Mrs. Laneart's breathing softened. She turned the dial louder. From her pocket she abstracted a chocolate bar. She bit it.

Half an hour later, when Laneart entered, she still sat there sucking her teeth, though now an orchestra played.

"Don't you ever get tired of that damn thing?"

Laneart walked to the radio and snapped off the current. Neither spoke again. She got up and went to the kitchen. Laneart removed his coat and unstrapped the service revolver from his left armpit. He tossed them on the bed, took a newspaper from his hippocket, unfolded it, settled himself in the Morris chair.

Mrs. Laneart said from the kitchen: "So you testified today! The great detective testified! I suppose you told them all what a big shot you are. I reckon all those lawyers and all those other big shots didn't have a word to say when you got through. The great detective!"

Laneart went on reading.

She said, lifting her voice, "Did you tell 'em about Tump Redwine's shirt? I bet you did! You know the shirt I mean. Or don't you? That shirt you found in the basement with blood all over it. You remember? Or can't you? Mary Clay's blood. Or wasn't it? I bet you

told 'em all about old Tump Redwine's shirt with Mary Clay's blood all over it!"

Mrs. Laneart came to the door, wiping wet meal on her skirt.

She said, "I bet you told 'em all about Redwine's liquor bottle, too. And all about that dirty magazine he was reading. The one he wrote those dirty marks in. Or didn't he? I bet the great detective told 'em all about that . . . oh, sure he did! The great detective!" She waited, her eyes shining with a peculiar, glittering refulgence. When Laneart did not lift a lash, she repeated her neighing noise and returned to the kitchen.

When she came to the door again, her eyes had dulled, but as her voice rose the lights in them rose with it until the eyes were like twin wicks that have "caught." Laneart's own eyes stayed on the paper. The fat lids batted a little.

"Did your great friend, Mr. Griffin, ask you all about Tump Redwine?" she said. "Or didn't he? . . . He is your great friend, isn't he? Or is he? . . . You and Griffin! You're just like that, two peas'n pod, the great detective and his great friend, Griffin! . . . I bet he'd love to hear what you were saying about him only a few months ago! Whatever made you change your tune? It couldn't have been that shirt of Redwine's, could it? Or that bottle of Redwine's. Or that dirty old magazine! . . . Say, it couldn't have been them, could it?"

Waiting, she was like a cat glowing at a mousehole. When Laneart did not answer, she left the doorway. He turned a page.

Mrs. Laneart, back in the doorway, said as if she talked to herself, "I wonder what those other lawyers

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asked the great detective. I wonder what all he told them. Gleason and Piggott . . . 'I don't know, Mr. Gleason, I don't remember nothing about it.' He couldn't remember! . . . I wonder if Gleason knew about Tump Redwine's shirt and his old bottle and his dirty old magazine. I just wonder now! Maybe they'd like to know about that barber, too. And those hairs *somebody* . . . maybe it was the great detective . . . found on that desk in that old school . . ."

Her voice stopped as suddenly as the radio cut off. Laneart put the newspaper carefully on the couch. He rose with the slow hamthrust of a man deadly tired. Her bright cat's eyes did not dim or waver as his left hand caught her right. She did not give an inch. So they stood, wrist and hand locked, eyes locked as though by a bolt shot between them.

She began to say, "You dirty bastard you . . ." as Laneart's fist drove into her mouth and stuck there . . . her head going back and all her body going under it and the fist smashing, driving them down.

From the floor she made one convulsive motion toward the bed.

Laneart stomped her hand.

She did not move, then, until he had picked up the revolver and strapped it on and picked up his coat and tramped heavily from the house.

With her good hand she felt her mouth.

\* \* \*

Beneath the last entry in his notebook Juror Number Six wrote, "August 2, today's witnesses Carlisle P. Buxton, Joseph Turner . . ."

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A voice in the corridor called, "Harrison!"

Juror Number Six closed the book. "Coming!"

The voice, closer, said, "Hurry up! We gotta beat those guys tonight. I'm six thousand points in the red."

Juror Number Six thrust the book into a bureau.

\* \* \*

### *From the Direct Examination of Professor Buxton*

Q. Then the last time you saw Hale was at twelve o'clock when you dismissed his class?

A. No, it wasn't. I saw him after that, maybe a half hour later. It was in his office on the third floor. I went there . . .

Q. Just a minute. You say it was a half hour later?

A. I think it was. Or about forty-five minutes.

Q. Could it have been an hour?

A. It might have been.

Q. As late, perhaps, as one o'clock, then . . . you saw Hale . . . where?

A. In his office.

Q. On the third floor?

A. On the third floor. I had been to the men's room and I just put my head in to see if he was still there and he was.

Q. What was he doing?

A. It's my recollection that he was sitting at his desk. He had a glass of milk and a sandwich . . . he usually brought his own lunch and sent out for a bottle of milk . . . he was eating.

Q. Did you say anything to him?

A. I asked him if he wasn't going to take advantage of the holiday to enjoy some recreation.

Q. And what did he answer?

A. He said he had some papers to correct. There had been an examination in Business English a few days before. I believe he said . . . at least, that is my understanding . . . my recollection . . . that these were the examination papers.

Q. Would you recognize those papers if you saw them?

A. I would recognize the nature of them. I have never seen the actual papers.

Q. Very well, we'll come back to that in a minute. What did you say to Hale when he made the remark about the papers?

A. I don't remember exactly, but I am pretty sure I told him he should take the afternoon off. I recall distinctly saying something about the parade. There had been, sir, a little dispute about Memorial Day. I felt that it would do Mr. Hale good to see the parade. I felt that as a Northerner . . ."

Mr. Gleason: Your honor, we object. We object to this entire line of testimony . . . this prejudice . . . which the district attorney has constantly striven to inject into this case . . .

Mr. Griffin: Your honor, that is not true! I demand an apology . . .

*From the Cross-Examination of Joseph Turner*

Q. You're positive it was not yet three o'clock when you reached the school and held the conversation you have related? It wasn't three fifteen or three thirty or maybe four?

## DEATH IN THE DEEP SOUTH

A. No, sir, I'd swear on a stack of Bibles it was before three!

Q. Your emphasis isn't necessary, Mr. Turner, you're on oath already. Now let's go back a minute . . . a while ago . . . when you were testifying about your . . . friendship with Mary Clay . . . how long had you known her?

A. Four or five years.

Q. Can't you be more definite?

A. All right . . . five years!

Mr. Gleason: Your honor, might I request the witness to be a little less emphatic in his answers? The witness appears to think I am deaf. I can hear the witness quite well if he doesn't shout so . . . belligerently!

The Court: You have heard Mr. Gleason's request, Mr. Turner.

A. Yes, sir.

Q. (by Mr. Gleason). Now, Turner, in all the time that you knew Mary Clay did you ever make any advances to her?

A. No, sir.

Q. Never fondled her?

A. No.

Q. Never 'made a pass' at her?—an expression that was bandied around here a great deal the other day!

A. No.

Q. Never even kissed her!

A. N—no, sir!

Q. You were sweethearts, weren't you?

A. Yes, sir.

Q. And you never kissed your sweetheart?

A. Well, I reckon I may have kissed her once or



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twice . . . like goodnight, you know . . . gosh, if a feller can't kiss a girl goodnight . . .

Q. Please answer the question, we're not asking your opinions. You did kiss Mary Clay?

A. Yes, I did.

Q. Then you were lying a moment ago when you said you didn't?

A. Well . . . look here . . . you can't call me no liar . . .

Mr. Gleason. Answer the question!

A. I wasn't lying, I just forgot.

Q. Oh, you just forgot! Well, now, maybe you've forgotten some other things. When you kissed her, did you fondle her?

A. Well, I touched her.

Q. Took her in your arms?

A. Yes.

Q. Petted her?

A. No! . . . not if you mean necking!

Q. I mean exactly what I said. Did you pet her?

A. No.

Q. Turner, when you kissed Mary Clay, didn't you go farther than that?

A. No, never!

Q. Turner, didn't you . . .

Mr. Griffin: Your honor, I object. The relations of this boy to this dead girl . . . their innocent love . . . have nothing to do . . .

Mr. Gleason: They have everything to do with this case! The witness has testified that he was Mary Clay's sweetheart for five years before she was killed. He has admitted lying once. He says he "forgot" . . .

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“ . . . So I said I forgot, but I’d already told the sonsa-bitch he couldn’t call me no liar. ‘Listen,’ I said, ‘You can’t call me that, ain’t no man livin’ can call me that!’ ”

“Didja honest, Joe? Right in court?”

“Sure! He backed down, too. He shut up and went on askin’ me about Mary. If he hadna shut up, I’d knocked his block off.”

“Right in court, huh? Jeez, Joe!”

“Yah—and they’d took ya to the jailhouse!”

“Oh, yeah? Listen, they don’t put me in no jail no more. Maybe they could for perjury but . . . well . . . I ain’t sayin’ nothin’.”

“Perjury, huh?”

“Whatcha mean, Joe . . .”

“I ain’t sayin’ nothin’.”

“I know what he means. Yah! All that stuff they asked him. ‘Didja kiss her? Didja neck her?’ No, he says, no, Joe Turner never kissed no girl and never layed none in all his life. Yah!”

“Well, Joe, didja . . .”

“I ain’t sayin’ nothin’, I tell ya.”

“I mean Mary . . .”

“Listen, kid, when a man is asked questions about a woman, he lies like a gentleman, see? He lies like a gentleman!”

“More especially when he’s settin’ in a court where her brothers are settin’ right there, too. Yah!”

“I ain’t afeard of Shack Clay.”

“The hell you ain’t!”

“Naw . . . and besides, me an’ Shack’s friends . . . we done swore together . . .”

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Professor Buxton trickled the last of the Old Granddad past his Adam's apple. He wished now he had bought a quart. He got up and closed the window, for though the night was smiting hot, he yearned only for his stokehold of solitude. He was old, cold, gutless, lonely and more than a little drunk and if he had had a darker and a hotter hole, he would have crawled into it, away from scandal and murder and ruin and prying eyes and rasping voices and the reiterated curse of his own mind which, with all the poetry written in the world, could remember only one stanza.

"There but for the grace of God, there but for the grace of God . . ."

\* \* \*

### *Conversation in a Cafeteria*

"Hurry up, we ain't got but twenty minutes to eat."

"Watcha mean, hurry? It won't take us ten minutes to walk there and they usually don't quit till five o'clock, Janie said."

"Sometimes they quit early, depending if a witness gets through, and Janie said they always take him out first. We've gotta hurry."

"I'm hurrying . . ."

"And there's always a crowd, too, Janie said. We don't want to get back of a lot of people where we can't see him."

"Did Janie see him good?"

"Three times! She went once at lunch-time and twice like this. She says this is the best time. She said she saw him just as plain, almost like face to face; he passed right by her! But it don't last but a minute . . ."

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### *Conversation at a Dinner Dance*

"Oh, *could* you? Oh, darling, I'd just love to!"

"Well, I can try. This fellow, this friend of mine, he knows a fellow in the Ordinary's office . . . done him a lot of favors and all that sort of thing . . . he thinks he can fix me up."

"Oh, that would be marvelous! Ginger Wimbish went and she said it was too exciting for words! Of course, her father knows a lot of judges. She had a marvelous seat, where she could see everything!"

"Well, I'll try."

"Ginger said it was simply too awful the way he just sits there, like an iron man or something . . . isn't it the Iron Man they call him, or was that somebody else . . . anyway, he just sits there listening to those awful things about him like he was dead already!"

"Do you think he's guilty?"

"Oh, my goodness, everybody asks me that! I just hate to think anybody could have killed that little girl . . . and it gives me the creeps just to think about it. But I sure would *love* to go to the *trial*!"

"Well, I'll see what I can do . . ."

"Of course, I could ask Milton Sales, he's a friend of that Price man on one of the papers . . . you know, the one they say is going to marry Mary Lorimer . . ."

"Price? Yes, I know him. But don't ask Milton. You leave it to me . . . Say, honey, let's sit out the rest of this?"

"H-u-u-u-h? . . . All right . . ."

### *Conversation Through Wire*

"It was all our way today. Don't you think?"

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"Indeed it was! Everyone said so."

"Did they? . . . Who did you hear say?"

"Mr. Piggott said so . . . He said he was more hopeful than any time since the beginning. He said . . ."

"Hopeful! . . . I wish they would say just once . . . Anyone else?"

"Yes, there was a man coming out . . . Oh, I must tell you this! . . . He was behind me, he couldn't have known who I was . . . and I heard him say to another man, 'I'll make you a bet,' he said, 'he's acquitted on the first ballot!' . . . That was what he said!"

"That was what he said? . . . I see them whispering when they look at me but I can never hear . . . even the crowd outside . . . there must be hundreds . . . talking, laughing . . . until I come out . . . then just looking at me . . ."

"They are not unfriendly."

"Aren't they? I don't know. I do not think I care . . . Have you noticed that the jury has stopped looking at me?"

"The jury?"

"Yes. They looked at me at first . . . all of them . . . and then one stopped . . . and another . . . none of them look at me any more!"

"Dear . . . don't think of things like that! They mean nothing. Have you all you want to read?"

"What? . . . Yes, I've enough."

"Plenty of writing paper?"

"Yes . . . Had you noticed that, about the jury?"

"Not looking at you? . . . But they must look somewhere . . . at the witness . . . perhaps they are tired."

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"Do you suppose, Sybil, they have already . . . decided?"

"Please, dear . . . don't think such things . . . you only imagine . . ."

"No, it is not my imagination . . . they have stopped looking at me."

\* \* \*

Rain fell on the trial's ninth day. The bottom of the sky seemed to burst and for hours intermittent torrents washed the city. Yet within seconds after the last drop, the streets sweltered.

Of those who dripped in the courtroom or steamed in the corridors or huddled even at the storm's worst near doorways where radios disputed the thunder, none suffered with less patience than the girl in the green slicker in the fifteenth row back of the rail.

She could see, by poking her nose into somebody's wet shoulder, the top of Hale's head. She could hear almost everything. But as she said to the fortunate dry lady who commiserated her when she finally climbed over all those umbrellas and muddy feet to freedom:

"But what was there to hear? My goodness, I'd just as leave been in church or something! I thought it would be exciting! I thought it would be interesting! But as if it wasn't bad enough to get up before the break of day and dash all that way to town in all that rain . . . and hang around with all those smelly people . . . and me looking like a drowned rat! . . . till Stewie's friend sneaked me into a terrible seat behind a post . . . and an awful man on one side who'd been eating garlic breathed all over me . . . and a woman on the other

side kept jabbing her elbow in me . . . and I merely asked her, 'Is that Hale?' and everybody said sh-s-s-h! . . . awfully embarrassing! . . . as if all that wasn't bad enough, what happened? . . . Not a thing! Not a blessed thing! All about some old papers, examination papers or something like that . . . hours and hours of it; was this Hale's handwriting? Was the witness an expert on handwriting? . . . My goodness, if that stuffy old man's an expert on anything, I'm Greta Garbo! . . . and then more experts; I guess they were experts, though they looked like a lot of old school-teachers to me; how long would it take him to correct this paper and that one? how many papers could he correct in half an hour? how many in an hour? . . . Good Lord! I was simply bored to death! . . . and then, when I stuck it out hoping something exciting might come along . . . that the next witness might be Tump Redwine . . . they say he'll testify almost any time now . . . Why, then, who should they call but the man who presses Hale's pants! . . . That's when I gave up!"

"You should have stayed," said the dry lady. "I just heard it on the radio. He testified there was blood on Hale's coat, the suit he wore the day of the murder!"

"He *did*?" screamed the girl in the green slicker. "*Blood*? Oh, dear, I just knew I'd miss it!"

"And tomorrow," said the dry lady complacently, "tomorrow, the radio said, Tump Redwine will go on the stand."

The girl in the green slicker pushed off her hat. She ran her hand through her hair. She shrieked, "I could *kill* Stewie Howell! I could just *kill* him! He *would* make me go today!"

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"Did you get to see his wife?" said the complacent dry lady.

"I didn't get to see *anything*!"

"You poor kid," said the dry lady.

\* \* \*

Sybil thought of New York after rain: the shiny black of the Avenue and wind sweeping every cross street and every green park. Wasn't New York always cool after rain? She could scarcely remember. But it was never like this, where the curtains of her room hung damp but breathless and heat lightning showed leaves dry as chips that a few hours ago ran buckets.

Mother Hale was lying down. She herself could not bear to close her eyes lest she lose the lightning and the leaves to the nightmare of the courtroom, the cleaner's boy, the cleaner, the dreadful rigidity of all those heads and faces as the words fell through the humming of the fans . . . "she said it was blood, she said he got it at the barber's" . . . and Robert's own head as rigid as the rest.

"Perfectly natural," Mr. Piggott had said, "the perfectly natural act of two perfectly normal people." But she had not realized, then, how it would sound . . . to the Judge, to the jury, to all of them . . . to herself, though she had repeated those words ten thousand times as if she recited some reassuring incantation to her sick heart . . . and to Robert, who, though they were indeed his words, must think of her as somehow a traitor when he heard them coming from the mouths of witness and prosecutor like words of doom.

If she could only see him tonight, not with mesh be-



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tween them and the jail odor and the jail gloom enveloping them, but as she used to see him when she was tired and he would come to her and smooth her head and sometimes rub her back. "Robert," she would say, "I am not a traitor," and he would cheer her instead of she cheering him . . . and say sweet things . . . and pat her . . .

"Miz Hale!" called Mrs. Coogler from below. "Telephone, Miz Hale!"

Sybil put on her dressing-gown. She stopped for a moment at Mother Hale's room. The older woman lay on her back, lightly snoring, a sheet rumped across her legs. Sybil adjusted the sheet.

Five minutes later, when Mother Hale woke to arms shaking her, she presently realized that these were Sybil's arms, and this was Sybil's voice laughing and crying, and this was Sybil's body piling onto the bed like a child with a surprise on Christmas morning.

"But what, dear? I don't understand! Tell me again."

"Mr. Piggott. He just telephoned. There was an anonymous letter . . . from some woman . . . and he thinks . . . he believes . . . they'll find the barber!"

The barber? . . . Mother Hale blinked the sand from her eyes. She would learn in a moment what this was all about; meanwhile she smoothed Sybil's wet cheek.

\* \* \*

Mr. Foster said, "When they come at you, remember just that one thing . . . you were scared."

"I wuz scared."

"He was a white man and you were a nigger. You

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figured you wouldn't have a chance. That's why you never told it on him."

"Yes, suh."

"That's why you never talked to reporters, that's why you told the cops all you did, that's why you testified like you did at the Coroner's inquest. You were simply scared."

"Yes, suh, I wuz scared."

"No matter how they put it up to you or try to ball you up, that's all you've got to answer. Any jury is going to understand that and believe you."

"Yes, suh . . . Mr. Foster, has them cloze come?"

"I believe they have. Now, listen, why are you telling it on him now? Remember what I said . . ."

". . . 'cause it's the trufe and Mr. Griffin done promise me I won't git in no trouble if I tell the trufe, the whole trufe and nothin' but the trufe."

\* \* \*

". . . the truth, the whole truth and nothing but the truth, so help you God!"

". . . so he'p me God."

Mildly comic in his new suit but as neat as a choir-boy on Sunday morning, Tump Redwine ventured to shift his feet, apologizing to the Judge as he did so with a sidelong glance. It was obvious that the yellow shoes hurt him; otherwise he bore the collar and tie and his other articles of respectability as if he were not unused to them.

Chester Farquarson wrote: "He sat composedly, at times with an air that approached dignity, his hands easy along the arms of his chair, his head lax where it barely

cleared the cross-bar. If his face seemed stupid, it held as well a sort of fatalistic patience, as if centuries of stoicism had given him a strength beyond all powers of oppression. While attorneys bickered over his testimony, he waited with the imperturbability of an ox ready to plod on when the storm ceases."

Mitchell of the *New York Independent* wrote: "He was the typical field hand, the American negro in his lowest and most brutal state. But for the nervous shifting of his feet, he might have been another tar-baby squatting there as Griffin began to put his questions in that amiable father-to-child manner the Southerner reserves for negroes. No dummy on a ventriloquist's knee ever spoke its piece more readily and patly; his tale was patently rehearsed."

Romans wrote for the Hearst newspapers: "Rehearsed or not rehearsed, there was something deadly in the way his story implacably hobbled on despite the constant interruptions from the Defense. Attorney Gleason seemed determined to shatter the State's star witness. At length, as objection after objection was overruled, while Redwine was telling of his discovery of the body, Gleason gave up. He maintained a fixed smile throughout the rest of Redwine's sensational testimony. It seemed to say, 'Very well, we will give the fellow all the rope he wants and you will see, gentlemen of the jury, that inevitably he will hang himself.'"

Griffin said: "Now, Tump, let's go back for a minute to the morning of that day. What time did you report for work?"

"Se'm o'clock."

"Seven o'clock. And you worked till six. Those were

your usual hours, weren't they, seven in the morning till six in the evening?"

"Yes, suh."

"Now, where were you at twelve o'clock, noon, when school was dismissed?"

"In the basement."

"Tump, I want you to tell the jury in your own words—I'm not going to ask you a question or indulge in what these gentlemen are pleased to call leading—I want you to tell the jury exactly what you did and what you saw and heard between twelve o'clock that day and six o'clock, when you say you left the building. Go ahead, Tump—just tell us in your own words."

No moment of this turbulent and bitter drama—not when one mother fainted or another wept at the sight of her daughter's dress; not the shock of unexpected evidence or attorneys' tilts or the constant shadow of that quiet, grim crowd outside, growing quieter, grimmer every day—none of these, Chester Farquarson was thinking, approached the pitch of the instant when an undersized Tambo replied to Mr. Bones. The novelist wished he could catch it all on paper: the witness, the prosecutor, the jury, Hale, his wife, his mother, the Clay boys, every tense man and woman in this hot little amphitheatre; the thoughts that must be plunging through their multiple heads; and all the others beyond the courtroom, where tongues spoke and wires hummed and the great presses churned, waiting, in the August heat, with hope or hate or perhaps an indifferent yawn, for a little negro to relate how he sat in the basement of an obscure building on an April afternoon in the deep south. A hammer falls at Sarajevo and seventeen millions

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die; an elevator bell rings and the curtain rises on the great American minstrel show—"Murder"—I must remember that, thought Farquarson, it's a good line . . .

"Well, suh," said Tump Redwine to the silence, "I wuz down in the basement where I usually stays, 'cept when I'se runnin' the elevator or got a job like fixin' some'n' on some other floor. When twelve o'clock come I wuz mighty busy runnin' the elevator for a spell, takin' folks down from the third floor and the second floor, though mostly they walks from the second floor. I knowed it was twelve o'clock 'cause they wuz sayin' as how it wuz a half holiday and some of 'em said one of the teachers had forgot and wuzn't fixin' to turn 'em loose till one, which was the usual turnin'-loose time. Well, suh, it musta been half a hour before mostly all the ladies and gen'lemens in the college left. After that, for 'bout another half hour, I run the elevator once or twice up to the fo'th and fif' floor where they wuz closin' up for the day."

"Just a minute, Tump." Griffin took his hands from his pockets. "What offices were on the fourth and fifth floors?"

"Well, they wuz two three offices but none of 'em wuz open that day 'ceptin' the insurance office on the fo'th floor and Mr. Ashby's office on the fif' floor."

"The insurance office . . . That's the Mutual Benefit Insurance Company, isn't it?"

"Yes, suh. And Mr. Ashby he in some sorta medicine business."

"Medicine business?"

"Yes, suh—like Peruna—cure the miz'ry . . ."

The audience guffawed. Ben Cooney, shaking like a

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pudding, would inform his fellow jurors: "Know who Ashby is? He's president of Ashby, Incorporated, magnesium products, one of the most dignified old coots in the world! By George, that nigger was one of the funniest niggers I ever listened to. That nigger lie? Hell, that nigger didn't have sense enough to lie. He's the most natural nigger . . ."

"Mr. Ashby he left fust," said Tump Redwine, "and soon a'ter that the folks in the insurance office left. It musta been 'bout one o'clock before they wuz all gone offa them two floors. I knowed they wuz all gone 'cause I went up there and swep' out and a'ter that I swep' out on the third floor and the second floor and come on down to the fust floor. That's the way I usually done it, top to bottom. It don't take me long and 'at day it took me quickern'n usual 'cause of the offtime and folks ain't dirtied up bad as they usually does . . ."

Can't they see he's lying? cried Sybil's taut brain. When he says he swept the cloakroom, can't they see he says it because someone told him to? When he says Robert was in his office working, can't they see it's part of a planned story? When he says he went back down to the basement, can't they see that every word he says is wicked lies?

Bill Brock wrote: "As he reached this part in his testimony, Redwine showed no more emotion than he had before. He spoke with a childish simplicity that was either consummate acting or consummate ignorance of the significance of his evidence. There was not a sound in the courtroom save the easy drawl of his voice. Through the open windows, where we were accustomed to hear the murmur and movement of the crowd, not a

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cough came. They knew as well as we did that the negro had reached the crux of his narrative. They knew something was coming. A thousand people, in that hot sunshine, were waiting silently for the climax."

Redwine said, "When I heard the buzzer, I wuz 'mos' asleep and I wait two three minutes to tell if it rung or not. It didn't ring again, but I git up anyways and look at the elevator and see where Number One gone twitchety. So I run the car up to the fust floor. Ain' nobody there. I listen a minute and I hear foots—footsteps—goin' up the stairs. I say to myse'f, 'If they wants to walk, let 'em walk' and I don't run the elevator no fu'ther."

Griffin said, "Tump, could you tell anything from the sound of those footsteps? Could you tell whose they were?"

"Naw, suh. But they sound to me like ladies' footsteps."

"Go on, Tump."

A hundred eyes flickered to Gleason; he did not stir.

"Well, I go outside. I stand on the step a minute and I see Mr. Buxton walkin' down the street and I say to myself, 'Boss man gone.' Then I hear some'n'. It wuz a band. It was powerful hot 'at afternoon and I been workin' hard and I say to myse'f, 'Tump, you goin' to sleep and ain't hear no elevator at all 'less'n you do some'n to wake you up.' So I think maybe if I go up the street a little minute and watch the parade maybe it wake me up. So 'at's whut I done. I went up the street and I watch the parade maybe ten fifteen minutes. Then I come back to the college and run the elevator back down to the basement."

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"Before you left did you hear any sounds from the upper floors of the college?"

"Naw, suh—not then."

"You heard no one scream?"

"Naw, suh."

"Go on, Tump."

"I musta fell asleep again in the basement and I don't know how long 'twuz till the elevator rung again but this time I heard her. I look at the numbers and it wuz the third floor. I run the car up. Mr. Hale wuz there. Out in the hall. It's dark in 'em halls and I couldn't see him awful well but I could tell he wuz worried 'bout some'n'. He say to me, 'Redwine'—'at's whut he always call me—he say, 'Redwine, did you hear anything?' I say, 'Naw, suh.' He let out his brea'f like he wuz relieved and I ask him whut did he mean. He said, kinda nervous, 'I thought I heard a noise' and I say, 'Was it on 'is floor?'—'No, no!' he said, quicklike, 'it warn't on 'is floor!' I said, 'Wuz anything the matter, Mr. Hale?' and he answer me, sharp and quick, 'No, nothin's the matter!' A'ter that he study a minute till he say 'The noise wuz up above somewheres. I think you better go up there and take a look around. Take a good look, will you?' he say and I say, 'Yes, suh, I'll go right now.' Well, I run the elevator up and look in all the offices on the fif' floor and all the offices on the fo'th floor and I don't see nothin' and I don't hear nothin' till all of a sudden while I'm lockin' up the fo'th floor I hear a big crash down below somewheres. I run to the elevator and make haste down and when I git to the third floor there is Mr. Hale, standin' by the door white as a sheet with his han's behind him. I say to him, 'Whut



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wuz it, Mr. Hale?’ and he say, ‘It wuz me, Redwine, I knocked over a desk back there, don’ bother . . .’”

*“It’s a lie! All lies . . .!”*

Two guards put hammerlocks on Robert Hale’s elbows. A hand like a catcher’s mitt crushed his mouth. Women screamed. Men sprang to their feet as if a Firpo had knocked a Dempsey through the ropes. Chester Farquarson knew he would never forget that scene—least of all the detail of Redwine’s face and its mild surprise.

As he wrote that night, “Everything afterward was anti-climax. How Redwine ran the elevator down to the basement and never noticed whether it bumped the body at the bottom of the shaft; how he ran it up again to the first floor to ‘catch some sunshine’; how he was standing there when the Turner boy approached; their conversation, Hale’s sudden appearance, Turner’s leave-taking and then Hale’s, ‘sudden and nervous like he was in a hurry to get away from there’—all this was trivial. Even the hours of hammering, bruising cross-examination, with Gleason and Piggott by turns using every trick of feint and charge to bully or ambush the witness—and the little black man mildly balking them again and again, repeating over and over ‘I was scared to tell it on him, I was scared’ until his placid replies maddened the Defense far more than they could provoke him—and Hale himself once more the living dead man he has been since the beginning—all this was trivial. For not only had the ‘Iron Man’ cracked, shrieking from his very bowels his outraged innocence or his horrified guilt, whichever his stricken cry meant, but in that moment the core of the case had been split wide

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open. Griffin's promised sensation at last had arrived, the secret was out, the sphinx had spoken. What he said, perhaps, was not much, but it was enough, the direct accusation where all else had been circumstantial. If you believe Redwine, you convict Hale. The little darky has shot his wad, he has spilled his stuff, and he has lit a fuse . . ."

running out of the courthouse on tongues of flame:

" . . . the nigger's told it on him! . . ."

" . . . the nigger saw him . . ."

" . . . called him up to the third floor after he done it . . ."

" . . . sent him upstairs so he . . ."

" . . . down the shaft . . ."

" . . . nervous . . ."

" . . . scared . . ."

" . . . blood on his hands! . . ."

" . . . blood! . . ."

and on wires crackling across a continent:

"Flash! Tump Redwine today charged Robert Hale with . . ."

"Flash! Hale threw the court into uproar as he . . ."

"Flash! One thousand coming Redwine testimony . . ."

"Flash! Will run Redwine testimony in full . . ."

and over the air by broadcasters, newscasters, commentators:

" . . . can tell you, folks, there was some excitement—some excitement!—when he jumped up and yelled

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like that. For a minute I thought the trial was over in one bang with a confession or a fight or something. But the guards grabbed him and dragged him back . . .”

and in headlines, Cheltenham and Gothic 96 point:

### **JANITOR LAYS CRIME AT HALE'S DOOR REDWINE TELLS DAMNING STORY SPECTATORS THREATEN PRISONER FEELING RUNS HIGH AS STATE RESTS**

and in editorials, righteous, indignant, pro, con:

“. . . shame of the South if the manifest lies of a brutal negro, desperate to save his own vile carcass, can sway the minds of a jury already exposed to the prejudiced and perjured assaults of the tools of an unscrupulous prosecutor . . .”

“. . . whether he be black or white, testifies in a trial properly brought and fairly conducted to matters of vital import in the examination of this appalling crime, his evidence must be weighed not by hysterical meddlers but in the scales of that system of Justice which our people have prescribed and which they will fight to the death to maintain . . .”

and back, by print and air and word of mouth, to homes:

“Suppose he was cool and calm? Haven't I had niggers right in this house swear to me they didn't break something, 'never touched it,' when I knew they were telling the biggest whoppers . . .”

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to clubs:

"It's past doing anything about, Benson, it's on the lap of the gods. If the jury convicts him, they will undoubtedly appeal and these things take time. Feeling may die down. But if he's acquitted, well, you've got the nigger and Hale both to consider then. I've talked to both sides. They've agreed not to let it go to the jury on a Saturday . . ."

to newspaper shops:

"You take what he said, word for word, and it stands up. It checks with Buxton, it checks with Turner, it checks with the cops. It even checks with the parade. He remembered precisely what he saw—you notice Griffin brought that out before he got through with him—and Griffin can prove, if he has to, that at ten minutes after two that particular unit was passing the corner."

"But why in God's name did the defense let him tell it the way he did, without a peep . . ."

"They were fools! They thought it would look rehearsed. Or they thought he would get drunk with his own conversation and let out more than he should. Pig-gott admits now it was a mistake. You can't get away from the cumulative effect that nigger's story, slow as molasses but deadly as poison, must have had on the jury."

"Well, he either told the truth or he's the smartest nigger . . ."

to barrooms:

". . . be dog if I ever thought I'd take the word of

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a nigger against any white man and I still dunno . . .”

“Well, I do! They say he told it as straight as I’m tellin’ you now. He didn’t hold back nothin’ . . .”

“The hell he didn’t! They say he held back plenty. They say he *saw* him with the body, slipped downstairs, saw him draggin’ it, saw him . . .”

“Hooley! Y’ been listenin’ to a lotta hooley! If he saw him, why didn’t he tell it all? It’s his life or Hale’s!”

“Because they wouldn’t let him! Because they knowed they had enough to convict with what he did tell! Because, if he’d’ve told it all, there wouldn’t be a jail in this man’s town strong enough to hold the Yankee bastard!”

“I still think it’s hooley.”

“Is it? You wait, buddy. If that jury don’t convict Hale there’s gonna be hell to pay . . .”

and to the jury, where young Harrison, throwing off his coat, stared at the bit of paper surprised in his pocket:

“Vote guilty if you like living.”

“Better burn it, son,” said John Felker. “And vote like you damn please!”

\* \* \*

Tump Redwine, savoring his special order of pork chops, sensed the mutter beyond his isolation as a black-bird smells rain.

“Did I do all right, Mr. Foster?”

“You did all right, Tump.”

“I tole ’em the trufe, didn’ I, Mr. Foster?”

“It looks like you did, boy.”

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"And it ain't gonna hurt me none, is it, Mr. Foster?"

"I hope not, Tump."

"When you reckon they let me outa heah, Mr. Foster?"

"I dunno. Not till the trial's over. You in a hurry to get out?"

"Naw, suh, I ain't in no rush. Long as they feeds me regular, I'se mighty happy to stay right heah."

Andrew Griffin heard the rumble, yet shut his ears to it; so the Emperor, in council of war, might have ignored the sweet guns of battle.

"Wake up, Harmon, you've got to read that back to me . . . the part about the detectives . . . 'If Tucker and Laneart had been given the chance to go after Robert Hale' . . . what else?"

"'. . . Robert Hale like they went after this simple, defenseless negro, Tump Redwine . . .'"

"Okay, from there on . . . The State might have been saved the expense of this long trial. I honor the detectives for going after Redwine like they did. I only wish they could have gone after this New York school-teacher, this college graduate, before his lawyers, his money, his influence stopped them. It is no parlor game, trapping a red-handed murderer . . ."

"My God, Andy, can't some of this wait till tomorrow? It's two o'clock in the morning! You've got days to write your argument!"

"No, sir! The Defense opens tomorrow. For all we know they may rest without a witness . . ."

Gleason and Piggott strove to keep their minds on evidence.

". . . dieticians, doctors, that's six. The girls; you've

got all those names familiarized, haven't you, Colonel? . . . The teachers . . . Then the character witnesses, including those from New York . . . I should say three days would do it . . . And of course there's Hale."

"He still wants to make his statement?"

"More so than ever since Redwine testified."

"My God, Piggott, you've peculiar laws in this State! The accused cannot testify on oath, but he may make a statement. His attorneys can ask him nothing, but the Prosecution may cross-examine. Do you think Griffin will dare?"

"I doubt it. He will be bound by Hale's answers."

"Well, perhaps the poor devil may do more for himself than any of us. What do you think?"

"We must give him his chance."

"Yes . . . but I hope he follows our advice and forgets his enmity to the South . . . You're a sensitive lot of sinners in this quarter of Hell, Piggott."

"Better not tell that to the jury, sir."

Robert Hale walked his cell. They had moved him to the top floor of the jail. No voices penetrated here, no sound but the tread of his own feet.

\* \* \*

*From "Is Hale Guilty?" by Chester Farquarson, in the  
"National Weekly"*

The crowd was larger on Monday of the third week, and the next day and the next it increased, forming rims around the square like the circles around a target, the brighter circles traffic lanes kept open by battalions of police that grew in numbers as the crowd grew. Yet

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the crowd was quieter than ever, and more orderly, too, drifting submissively before the police commands though always drifting back, speaking seldom one to another and then with little noise or laughter, enduring the sun, enduring the haze of dust, satisfied to stand patient and mute in the white, fierce, August heat so long as they could see the courthouse and hear occasionally how it went there behind the gaunt windows.

There was little worth hearing, as the crowd counted worth, on those three days. Doctors disagreeing over the time two ounces of malt might take to pass through the human stomach. Doctors rediscussing abrasions, lacerations, contusions. School teachers analyzing and reanalyzing the examination papers. Pupils who swore Robert Hale never touched a pupil. Pupils who swore he did but Mary Clay no oftener than any other. Pupils who denied Mary's interest in Hale; pupils who asserted it, but added, "She was boy-crazy, anyhow." Witnesses from the North, testifying to Robert Hale's good character. A few from the South.

The detectives recalled, to flounder unhappily in sloughs of contradiction. Much talk of bottles, bloody shirts and dirty books. But none brandished to our view. Buxton recalled, admitting Hale might have left the building as early as one o'clock while he was busy in his own office. Turner recalled, furiously repeating that he waited on his corner for Mary the entire hour from two to three.

"What's Gleason trying to do?" muttered the crowd. "Pin it on all of 'em?"

A witness, admittedly born in Boston, who swore he saw Hale blocks from the business college "early in the



afternoon," but was vague about the time. Another witness—waiter in a lunchroom, accustomed to serve Hale—who said the accused passed his window at two fifteen—and confessed on cross-examination that he had thrice been charged with bootlegging and in 1926 spent a year in jail . . . "There's your alibi!" said the crowd. "They can't save him with Yankees and ex-convicts!" (Nor, I inferred, with doctors, professors, hair-brained kids and what-have-you . . . The nigger told it on him . . . Let him answer the nigger if he can! That was the temper of the crowd).

Gleason tried to answer. Tump Redwine, "arrested twice for vagrancy, four times for drunk and disorderly conduct, once for common gambling"—there is the record, gentlemen! . . . Tump Redwine, who held twelve jobs in half as many years and was discharged from ten . . . Tump Redwine, whom Buxton himself threatened again and again to fire . . . Tump Redwine, drinking on the day of the murder, drunk in Happy Hollow that night . . . "Here are credible witnesses, gentlemen, not the perjured lies of his woman and his white protectors!" . . . Gleason gave them Tump Redwine, jail-bird, drunkard, wastrel, brute, and the crowd said, "Ye-e-e-e-s, he's a right no 'count nigger."

The judgment of the crowd, like its patience, hung huge and biding. Not even on the day the Defense called its "surprise witness" did the crowd seem excited. And the crowd, it developed, was justified in its skepticism. Floyd Timberlake, a barber, fulfilled half the hopes of counsel who had begged and browbeaten and rushed him a thousand miles at the eleventh hour, when he testified that between two and three o'clock on the after-

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noon of April 26 he took twenty minutes to cut the hair of Robert Hale.

But a moment later, as the District Attorney rose . . . "And did you shave him, too, Mr. Timberlake?" . . . we all wondered why the Defense had not asked that question . . . "No, sir, I don't recollect that I did" . . . "Well, if you did shave him, did you cut him?" . . . "No, sir, positively not!" . . . "That's all, Mr. Timberlake" . . . The District Attorney sat down with the smile of a man content with his swap in a horse trade . . . The headlines that night read: "Hale's Alibi Witness Proves Boomerang!"

The crowd, not only here but wherever two men paused together, waited for Hale. And on the fourth day of that sultry week, when even the flies clung motionless to the courtroom ceiling, as though they lacked energy to brave the fans or were rooted like us humans in the grip of expectation, Hale, unsworn, unquestioned, said his say.

He said it gravely, precisely, unhurriedly, referring frequently to the sheets of paper in his hand and composedly turning them as he went from sheet to sheet, yet looking up always at the jury when he made his points or laid special stress, so that the effect was not so much of a man reading as it was a teacher explaining to children some very simple problem. When he said, "As God is my judge," not emotion but the dry piety of a theologian seemed to emanate from him.

"Gentlemen," he began, "I must ask your indulgence to speak at some length, for I have been in jail a long time, this has been a long ordeal for me as well as you and many things have been said here which I would

like to answer. After all, I am on trial for my life and I may never have the opportunity to discuss these things again. Not like this, before this audience, before you, who must find me guilty or not guilty of murder."

It was a good beginning and, as he went on, he was not unaffectionate. Brief in his account of himself . . . "I was born in New York City and always lived there until a year ago. I worked my way through the University and, after graduation, got a job with Stoffer & Johns, brokers, at fifteen dollars a week" . . . Simple in his reference to the Wall Street legend . . . "It is true their office was on Wall Street, but when I left there after two years, gentlemen" . . . and he did not smile . . . "my salary was seventeen fifty a week" . . . Restrained about his marriage . . . "I was engaged to a young lady; when I received Dr. Buxton's offer of a position in his school, she agreed to cast her lot with mine." And when he reached the subject of the South . . . "you can understand, I believe, how strange this new part of the country seemed to me" . . . his caution was admirably painstaking.

One wished he had been a little less painstaking, a measure more emotional. One would have liked to see him lash out at his persecutors, for as such he is known to regard them, and give us, if he must keep his classroom air, Spartacus instead of the binomial theorem. And as he continued, taking up in studied detail each witness and each point against him, the feeling grew that this man pled his cause as a cold, calculating man pleads and not as one writhing under the monstrous accusation of murder in the mouth of a negro. Such a feeling, of course, was manifestly unfair to one who

chose logic rather than passionate persuasion. Yet the feeling stuck.

Even at the peak of his statement—the murder day—he remained the professor. “I then dismissed the class as Dr. Buxton ordered and went to my office. It was twelve fifteen by my watch. The class had taken an examination in Business English the day before and I decided to use the opportunity to correct their papers. Otherwise, I would have had to correct them at home, my usual custom, since we have little time at the college to do anything but teach. There were sixty of those papers, of which I corrected twelve. You gentlemen have seen them, the corrected and the uncorrected.”

Here Hale launched into a long analysis, which must have bored even his wife and mother, endeavoring to prove that by the evidence of the papers he had worked only until twelve forty-five and did not stay idling about the college for another hour.

“Dr. Buxton has testified that he spoke to me in my office as late as one o’clock. It is my distinct recollection that this occurred fifteen minutes earlier because I looked at my watch immediately after Dr. Buxton withdrew. It was ten minutes to one. Frankly, the Doctor had nettled me. He has told you of our conversation and his suggestion that I see the parade. I thought to myself, ‘Very well, I shall not remain working for a man who insists that I don’t.’ I believe you gentlemen will understand my feelings under the circumstances. The important fact is that I did leave the Business College before one o’clock and did not return until a little before three. I spent those two hours, except for the time engaged in getting a haircut, watching the parade.

I shall now, with your indulgence, describe the parade as I saw it."

At this stage of Hale's narrative it was suddenly borne in on me that the man expected to be believed. I do not use the phrase sarcastically, but literally and exactly: he "expected to be believed." I am sure, as he described the pageant of soldiery, school children, bands and veterans, that the notion never occurred to him of what might be passing through the jury's mind, namely, that the fellow might have obtained his information from a dozen different sources. One could actually see such a suspicion written on the faces of some of the jurors. Everyone must have observed it; everyone, that is, but Hale. He talked on as earnestly, as confidently as if he had been the only man on earth to view the marchers. There was something grandly stupefying in his confidence. Either he was a liar sadly overestimating the gullibility of his auditors or he was pitifully, naively telling the simple truth. And one thought: how horrible if it is the truth! And how many of us, if we were falsely accused of murder, might not discover that the simple truth came nearer damning us than a downright lie!

"And so, gentlemen, I returned to the school to get the examination papers and correct them at home. I did not ring the elevator bell, for I was in a hurry and I have learned by experience that it is often quicker to run up two flights of stairs in our building than to wait for the elevator. I went directly to my office. I observed nothing out of the way either in the hall or in the classroom. Having arrived at my office, I suddenly changed my mind. 'I will not take home the papers,' I thought, for in that instant my resentment against Dr.

Buxton came back to me. And with that decision, I ran down the stairs, meeting Redwine and Joe Turner on the front doorsteps as they have testified."

Again, how horribly naive! . . . what a lame and unsatisfactory explanation for a doubting jury! . . . yet what a natural one, too! . . . I suppose I myself have climbed flights of stairs a hundred times instead of waiting for a notoriously slow elevator, I invariably pay no attention to my surroundings when I am in a hurry, and haven't we all had the experience of rushing somewhere for a particular reason and at the last moment, as we recalled something unpleasant in connection with it, changing our minds? . . . Perhaps it is just my good fortune . . . and yours, friend . . . that a murder didn't happen in our vicinity on one of those occasions.

"As for the barber, I can only say that his memory is faulty. He remembers that he cut my hair but he does not remember that he shaved me. He remembers the time but he does not remember that he drew blood. He remembers that he took twenty minutes but he does not remember that, after he had removed the towel, blood dripped to my coat."

I, for one, among Hale's sympathizers, felt cold. Do you, friend, wear a *coat* in a barber's chair? Has a barber ever scraped you too close? If he did, did you, in these days of modern shops and astringents and lotions, ever leave the chair bleeding a single drop? Yet, friend, can you swear to me that such a thing is impossible?

"The barber, gentlemen, was mistaken . . ."

Tall, a little stooped, peering over his spectacles—his hair and voice youthful, the eye-sockets and the

sunken cheeks old—he expected to be believed. To Mrs. Hale, his mother, he may still have been the baby who fed at her breast; to Sybil Hale the Bayard of her dreams, come to do or die at the last barrier. To Griffin, I am sure, he was the fox laughing at the hounds and to the Clay brothers, a skunk at bay. To most of us he was the enigma the newspapers have called him.

He looked, in point of fact, like any ordinary young man of twenty-six or seven who has been working too hard and needs a vacation. A Macey floor-manager. A rush-hour subway-rider. The student in the next chair at the Public Library. Not even the crown of Cain has given him the sinister glamour the press has tried to surround him with . . . Iron Man? No . . . Mystery Man? Only as one's next door neighbors in New York are mysterious. You ask me, "What manner of man is Robert Hale?" and I can only answer, "He is a serious young man." You say, "What does he look like?" and I reply, "He looks very tired" . . . "And has he told the truth?" . . . I do not know . . . A tired, serious, enigmatical young man argued for his life and, when he had done, we knew no more about him than we knew before.

"As God is my judge, gentlemen, that is the true story and the whole story. I know nothing of what happened in the Business College between one and three o'clock that afternoon. I know nothing of the death of Mary Clay. I know nothing of Tump Redwine's guilt or innocence. I know only that he has lied. That is all, gentlemen."

He folded his sheets of paper. He remained seated while his peering eyes went from face to face. As each

member of the jury fixedly returned his gaze, one imagined rather than saw doubt for the first time strike Robert Hale.

Griffin got up.

"The State waives cross-examination."

The little man won my respect in that moment, for where he might have made those four words shout derision, he spoke them without a trace of emphasis. Hale's Nemesis gave him his fighting chance. Yet Griffin's very action, though he refused to dramatize it, eloquently declared that in one man's opinion, at least, Robert Hale had convicted himself.

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*Extracts from the Address of Michael Gleason*

"They needed a victim. The times cried out for it, their own dubious record required it, a long suffering public demanded an eye for an eye and a tooth for a tooth. They needed a victim, so, with the truth in front of them as plain as the nose on your face, what did they do? The truth was not important enough, the truth was not sensational enough for these scheming and vain-glorious men. They blinded themselves, as they have tried to blind you, to truth so clear only a fool or a fanatic could miss it, and they decided to go fishing in a grab-bag. What did they haul out? Rumors, whispers, the idle talk that circulates in the wake of every crime. If they had listened long enough, I'll wager you dollars to doughnuts they would have heard stories equally incriminating of fifty men! But they didn't wait, they couldn't afford to wait with that bad record of crook-



catching hanging over them. On the flimsiest of pretexts, a yarn that somebody said that somebody else said the dead girl was in love with this boy, they arrested him! They got their victim; in fact, gentlemen, they were 'stuck' with him. And after that they had to make good no matter what the cost in broken hearts and ruined lives . . .

"Perjury! Prejudice! Hatred! Fear! These are the real witnesses, the invisible witnesses against Robert Hale. These, and these alone, are the malevolent counselors the prosecution has summed to bid you send an innocent man to his death. Fear of the suspect and the guilty for their own precious lives—hatred of inferior men for the superior man—prejudice against the stranger and against education and youth and decency—perjury on a score of counts, from the perjury of the weak seduced by threats and cajolery and their own wild fancies, to the perjury of the wicked and vicious, deliberately sacrificing a fellow human being for their own selfish ends! . . .

"Perjury! Why, the testimony of those detectives reeked with it! Oh, no, they couldn't recall anything damaging to Redwine, oh, no, they couldn't remember if Redwine was drunk or frightened or acted like a guilty man—and you tell me, gentlemen, he didn't act that way when this reporter, who thank God doesn't have to jump at the crack of the whip of politics! when this reporter testified Redwine stank with booze and was so scared he refused to go down in the basement and they had to drag him down there—oh, no! that wasn't perjury! And it wasn't perjury when they never heard of a bloody shirt found in that basement, and it wasn't

perjury when they couldn't remember a filthy book I asked them if Redwine possessed, and it wasn't perjury when Laneart swore up and down on this stand that he never 'planted' blood and hairs on that third floor and never talked to that barber though he practically ran him out of town!

"His Honor has very properly excluded from the evidence a certain letter . . . but we won't go into that; I'll stick to the record, Mr. Griffin, I'll stick to the record! . . . but let me ask you this, gentlemen, what kind of memory has a man got who can't smell a drunken negro's breath a foot away but swears positively that a white man 'trembled like a leaf' when he was under arrest for murder! And who wouldn't tremble, who wouldn't under those circumstances, though he was as innocent as a babe in arms? I tell you, gentlemen, if that fellow Laneart and that fellow Tucker and that fellow Briggs . . . you heard them testify, you saw them . . . if they arrested me for jay-walking, I'd shake in my shoes! . . . Perjury? Why, they'd perjure their souls to hang it on Hale! . . .

"And now you take the testimony of those little girls who giggled . . . yes, sir, you heard them giggle! . . . when they took a sacred oath to tell the truth and then helped to swear a man's life away on that stand because, forsooth! he had patted them, or hadn't patted them, or whichever it was they said he did or didn't do and whatever it is the District Attorney seems to think is so significant about it. And you take the testimony of that poor lady, Miss Hawkins, the spinster lady of . . . what was it, twenty-five? twenty-six? You'll correct me if I go contrary to the record, Mr. Griffin! . . . you

take her testimony when she sat there and couldn't even look at this defendant and swore Robert Hale 'made a pass' at Mary Clay and 'never once noticed her.' Are you going to believe her? Are you going to believe those giggling girls? Or are you going to believe the young ladies of your community who courageously stood up in the face of all criticism and declared Robert Hale was a perfect gentleman at all times? . . . My friends, have you ever caressed a pretty child? Have you ever been rewarded by her smile when involuntarily you made a simple gesture of friendliness and kindness? And are you going to tell me that this is the act of a Don Juan, that any man who is sweet to children is a second Gilles de Rais? . . .

"Why, you can't send a man to the electric chair on such evidence as that! . . . 'He patted her head, she smiled at him, he'd had a drink, there was a spot of blood on his coat' . . . Are you going to convict a man of murder on one pat? Are you going to convict a man on one smile? Are you going to convict him on one shudder, on one beer, on a single drop of blood? . . .

"'No alibi,' they say—Mr. Griffin will tell you, 'He has no alibi.' Now wait a minute, I'm not so sure about that. Credible witnesses have sworn they saw Hale outside the college at the very hour and minute he must have been inside, if you accept the time argument of the Defense, in order to kill the girl. And I say 'credible witnesses' no matter where they were born or what petty offenses they committed in those bad old days when all of us broke the law each time we had a drink. . . . No alibi? . . . All right. . . . Did Buxton have an alibi? The word of a negro and a bar-tender! . . .

Did Turner have an alibi? Only his oath—and he lied twice on the stand!—that he hung around a street corner for an hour! . . . Did Mr. Ashby or those gentlemen with offices on the upper floors have alibis? Did the sixty or seventy-five other teachers and male students in the college have alibis? They weren't even asked to produce them! . . . As far as that goes, gentlemen, as our friend, the District Attorney, might say, 'Where were you on the afternoon of April twenty-sixth?' For the fact is, gentlemen, when it comes to alibis or lack of them, you can charge the murder of Mary Clay to a thousand citizens of this community as justifiably as you can to Robert Hale. Anyone who watched the parade, anyone who was near the college, anyone who might have lurked inside it or noticed that little girl, and followed her down the street, and climbed those stairs behind her—anyone might have killed her! No, gentlemen, you are too sensible to expect Robert Hale, a stranger in a strange land, to produce a cloud of witnesses to swear they saw his face; you are too shrewd not to see that Mary Clay's murderer is as likely to have been you—and you!—and you!—and you!—as Robert Hale . . .

"But why prolong this preposterous talk of alibis? Why hunt for the needle in the hay-stack, as they did—and pricked their fingers! You know as well as I do who killed Mary Clay. Her murderer is not a thousand miles away, a fugitive in Mexico or Canada. He is not ten miles away. Only the other day he crouched in this very courtroom while the vilest lies drooled from his thick lips that were ever concocted against a white man. I am not going to throw this black-and-white stuff up

to you. I am not going to appeal to race prejudice. The Defense can leave to others the flaunting of any sort of prejudice. I am going to ask you to consider for a moment, sanely and calmly, and try to forget that Tump Redwine is a negro and think of him only as a man, albeit a pretty sorry one! I am going to ask you to look at Tump Redwine as you saw him here and as he was that April day, and I am going to ask you to consider the facts and on those facts make up your mind:

"Tump Redwine is a man without character, unable to hold a job more than a few months at a time, a drunkard, a thief, a gambler and a bum by the record. A lecher by the testimony of his own witness. A lustful man. A man utterly lacking in a sense of responsibility, duty to society or the consequences of his acts. He is the slave to his impulses, be they lazy or bold. He would take a chance. He would give no thought to the morrow. Tump Redwine had been janitor of the building for three months. Every day of the week, for twelve weeks, he had watched girl students come and go. He had ridden them up and down in the elevator, packed like sardines as girls will crowd in when they are in a hurry. So he must have ridden Mary Clay, so he must have noticed her, so—and I say it with all respect to the dead and compassion for the living—so he may have been very close to her and she entirely unaware of his presence or his interest. And this day after day!

"Tump Redwine, if you dismiss his lies against this defendant, was alone in the building at two o'clock on the day of the murder. He says he heard the elevator bell ring. Did he? It is possible that he did. It is just as possible that from the basement stairs he saw her. In

any event, hearing or seeing, it is possible that he followed her. Or it is just as possible that he seized her then and there, for I cannot bring myself, in view of their other mis-statements, to accept even the police evidence that the attack took place on the third floor. What was to prevent Redwine, once he had accomplished his deed, from smearing blood and scattering garments where suspicion would be directed against someone else? Mind you, I state it only as a theory. The facts—the self-evident facts—are these: Tump Redwine saw or heard Mary Clay enter the building. Tump Redwine was the kind of man his record shows him to be, Tump Redwine followed her and attacked her, Tump Redwine raped her, Tump Redwine killed her and Tump Redwine—alone and no other!—flung her body down the shaft! That was the first impulse of a frightened man: make it look like an accident! Later, still frightened and realizing that what he had done was to cast the corpse on his own doorstep, so to speak, his drunken brain evolved a better plan: discover the body for yourself and report it to the police, perhaps you can fool them! And by the Great Horn Spoon, he did! . . . Let us give them the benefit of the doubt; they were idiots, not crooks. A drunken, lousy negro murderer fooled them! But gentlemen, I am sure he will not fool you.

“You saw and heard Tump Redwine on this stand. He was fixed up in his fine clothes . . . I don’t know who bought ’em for him! . . . to make an impression on you. He didn’t wear any overalls, any bloody shirts, any stink and sweat that day. White men had metamorphosized this colored brute who foully raped a girl of their own race! And white men had taught him what

to say; you'll never make me believe they hadn't! If ever a poll parrot talked from a human being's mouth, it did from Tump Redwine's. Didn't he admit that he never told this preposterous lie till after Hale was openly suspected? Didn't he admit that he changed his statement to the police? I read you that first statement he made. Was there anything about Hale in it? No, sir! Not until those coppers had worked on him for two days . . . and, gentlemen, don't you know they worked on him! . . . not until the name of Hale was dragged into this case, not until Tump Redwine saw a chance to save his own guilty skin and the police saw a chance for greater glory, did Tump Redwine come out with this hellish fabrication. And then, down there in that jail where they had him locked up tighter than a June-bug in a school boy's inkwell, they had three months to beat it into him till Tump Redwine knew his story backwards and forwards. 'I was scared,' he said, and you bet he was scared! But he was more scared of those coppers, with their guns and billies and God knows what instruments of torture, than he was of a mob or a jury . . .

"And now, gentlemen, let us leave this sickening fellow, Redwine, for a moment and consider the defendant here. An American boy, born and raised in an American city no better and no worse than yours, the bearer of two names of which every American is proud, Peary the explorer and that other Hale who had but one life to give for his country. A boy so ambitious, so hard-working that he put himself through college. A boy who wasn't ashamed to tuck his diploma in his pocket and, like a young Lincoln, burn the midnight oil to learn

practical business. A boy who took any honest job he could get, no matter what the salary, who worked hard at it, who quit it only because opportunity called from a section famous for its hospitality to the stranger, that Southland which I know will live up always to the motto of your state of Georgia, 'Wisdom, Justice, Moderation.' You have looked on this boy, you have heard him speak and if ever truth was intrinsic in the voice and words of an individual, it was in Robert Hale's! . . . You have seen in this courtroom his mother and his sweet young wife and those friends who know him best, testifying to his good character. And I ask you: Is this boy a murderer? Is this boy a sadist? Is this boy a white Tump Redwine? And are you going to send this boy, on the cock-and-bull slanders of a black beast, to a murderer's grave? . . . No, gentlemen, a thousand times no! . . . There are not twelve men of honor, fairness and intelligence in this country, be they North or South or East or West, who could go home to their dear ones with such a black sin against God and humanity on their souls . . . I see honor written on your faces, gentlemen, I see intelligence and fairness. And I believe I see there the determination to right the wrong that has been done this boy, to clear him completely of the hideous mistake that has been committed against him, to send him out of here to his wife's arms and his mother's arms a free man, an innocent man, a man acquitted before the world! . . ."

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## DEATH IN THE DEEP SOUTH

### *Extracts from the Address of Andrew Griffin*

“ . . . and though I have not the eloquence of our distinguished guest from New York, the attorney for the Defense, nevertheless in my own plain way I must take issue with some of his remarks.

“ ‘Perjury,’ he says, ‘liars’—‘crooks’—‘idiots!’ Well, those are easy words to fling about, but just who does he mean? ‘They,’ he says. Does he mean Chief Strawn? There is not a better policeman or a squarer man in uniform and I don’t except New York’s so-called ‘finest’! Does he mean old Dad Hepburn, the Sheriff? I voted for Dad Hepburn the first time twenty years ago and I would vote for him again tomorrow! Does he mean my friend, Jeff Tucker, who I’ve worked with like a brother day in and day out ever since you honored me with my office? Does he mean Jim Laneart, a man I would trust with my very life? I tell you, gentlemen of the jury, I know the policemen and detectives and the peace officers of this community as perhaps no other man does and I am here to tell you, though they make their honest mistakes once in a while, there’s not a one who worked on this Hale case I wouldn’t believe on oath or without oath! Would old ‘Dad’ Hepburn or Chief Strawn or Jim Laneart swear away a white man’s life for a nigger’s unless he was doing his duty before God? Don’t make me laugh! (I am more like to cuss with indignation). The fact is, gentlemen, if Tucker and Laneart had been given the chance to go after Robert Hale . . .

“ ‘Prejudice!’ he says. Well, now, wait a minute . . . Who started prejudice in this case? Who got into the

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record that letter this Defendant wrote to a New York paper, trying to prove he was framed, but a letter that had some mighty mean things to say about the South and you never would have seen them, either, if we hadn't insisted on the full document, whole hog or none! . . . 'Prejudice!' . . . And he gives you in the same breath a touching picture of this hard-working young Northerner, this scion of Pearys and Hales, who threw up his job in Wall Street because he couldn't make a good enough living in his own home town but had to come down to another part of the country—a 'hospitable' country, says Counsel—to find a job when the Lord knows we ain't got enough jobs to go around among our own young folks!

"He gives you those two things together—'prejudice' and the immaculate Mr. Hale—and he asks you to consider them. Well, let us consider them, but let us take some facts first before we make up our minds. Let us look into this business of the North and the South and fine old American families . . .

"Gentlemen, I, who love the South, yield to no man in my respect for the North. I honor those States that gave us the Pilgrim Fathers and peg-legged old Peter Stuyvesant and Benjamin Franklin and Longfellow and Whittier and Emerson and Thomas Edison—and—yes!—General Grant and Abraham Lincoln and even old John D. Rockefeller and J. P. Morgan and those fellows. If they are Northerners, I say let's have more of them down here. Some of our own best citizens came from the North and some of my best friends are now living in the North and I honor the North and admire it and respect it, even if I don't love it. But I don't ad-

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mire and honor everything the North produces any more than I love the rotten apples we grow down here sometimes! . . .

"I want you to listen, for a moment, since we've heard so much talk of fine old American stock, to the facts about one Northern apple off an ancient family tree. His name was Lawrence Clinton Stone . . . good old American name, as good as Robert Edwin Peary Hale . . . and his family had lived in New Millford, Connecticut, since 1753. His forefathers helped to found that town and some of them came over in the Mayflower and Stones were judges and merchants and pillars of the church in New Millford for generations. Lawrence Clinton Stone, American born, American raised, with as fine a lineage as you could wish . . . named after a Revolutionary hero and a New York governor . . . at the age of twenty-four, killed five-year-old Nancy Jean Costigan and burned her body in the basement . . . the basement, gentlemen! . . . of a New Rochelle apartment house . . . as foul a lust murder as any foreigner or any negro ever committed! . . .

"I want you to listen, too, to the case of Harrison Noel . . . another old American family, son of a rich and respected New York lawyer; who kidnapped and murdered five-year-old Mary Daly when he was only twenty . . . and I want to read to you about Reverend Clarence V. T. Richeson . . . another one of those boys with four names! . . . he was a young preacher of Boston, Massachusetts, and he fed his sweetheart cyanide of potassium . . . and James H. Folsom, of the fine old state of Maine, who murdered and assaulted a child of twelve and another child of seven . . . and Newell P.

Sherman, the New England choir-singer who drowned his wife because he wanted another woman . . . and maybe we'll get around to Lizzie Borden, of the Fall River Bordens . . . you've heard of Lizzie, who got stark naked and chopped up her mamma with an axe! . . . and that other who did a Lizzie just the other day in New Jersey . . . her name wasn't foreign and it wasn't nigger, it was Gladys MacKnight! . . . and when I get through, gentlemen, I want you to ask yourselves: if a man happens to be named Hale and his ancestor was a Revolutionary hero and his folks were always fine folks, does that make him less likely to commit murder? . . . Lawrence Clinton Stone—Clarence V. T. Richardson—Newell P. Sherman—Robert Edwin Peary Hale!—maybe I'm wrong, but maybe there's something about your fine old American stock, up North anyway, that's run down and gone to seed and produced the kind of rotten fruit we *ought* to watch out for when murder is done! . . .

"Now about this business of good character, there's a difference, gentlemen, between good character and good reputation. Reputation is what people think about you and character is what you actually are. David of old had a grand reputation for bravery and holiness, but he put Uriah in the forefront of the battle that he might be killed and old David take his wife. Benedict Arnold was a fine general—he enjoyed the confidence of Washington and of the whole Continental Army—but he sold out his country and his name today is a synonym for treachery! Judas Iscariot, one of the Twelve, had the reputation of a loyal disciple of our Lord Jesus Christ, but he took thirty pieces of silver

and betrayed Him! I say to you, gentlemen, that a man's true character is not always the reputation he bears but the inner man revealed in spite of himself.

"Now who knew Robert Hale best, the real Robert Hale? Those people who traveled all the way down here from New York City? . . . and if Counsel don't know who bought Tump Redwine's two-dollar shoes, neither do I know who paid their railroad fare and their airplane passage! . . . The old gentleman who taught Hale Latin? The family that lived next door when he wore rompers? The first boss he ever had? All those fine, loyal but little bit rusty friends out of Robert Hale's past, before he ever laid eyes on Mary Clay—did they know him best? Or are you going to take the testimony of the pupils who saw him every day, six days a week, and watched his walk and his hands and his eyes and 'got a line on him' as only children can on a teacher? Didn't they know him best? Didn't they have every opportunity to know him? And aren't you going to believe them—those wide-eyed children, incapable of lying, whom Counsel sneers at and attempts to degrade!—when they tell you Robert Hale was so mad for Mary Clay he couldn't keep his hands off her in the sight of them all? . . .

"I tell you, gentlemen, his own wife didn't know Robert Hale . . . or maybe she did! Where was Mrs. Robert Hale on the night of his arrest? Did she go with him to the police station? Did she rush there later when he didn't return home? Could she have been willing for him to stay away from her that whole night long without bothering her head about him? These policemen have testified they heard no word from Mrs. Hale until

eight o'clock the next morning. And even then, even after she must have known he was held for murder, hours went by before she attempted to see him! I ask you, gentlemen, is that the behaviour of a loving, anxious, bewildered wife? Or is it, perchance, the horrified recoil any one of us might have shown before the certain knowledge of a dreadful fact! . . .

"Gentlemen, I do not attack Mrs. Hale, she has my deepest sympathy. But I must do my duty. Let us presume that Mrs. Hale was too busy, too occupied with transcendently important matters to rush to her husband . . .

"Eminent counsel for the Defendant says, 'You cannot convict him on one spot of blood.' Gentlemen, we know there was one spot of blood on Hale's coat when it went to the cleaner's the morning after the murder. Too many witnesses have testified to that to leave the vestige of a doubt. The Defendant himself has admitted it, though how it got there, as he says, through lather, towels and whatever else he wore in the barber's chair besides his coat, I confess I can't fathom! Anyhow, we all agree there was a spot of blood on the coat . . . the *next day*! But none of us know, none of us will ever know, unless it is Hale himself or a confidante of Hale's, if he had one, how many spots of blood were on his coat or his other garments or his person the *night before*! . . .

"Nor is it true that we seek his conviction on one spot of blood . . . or one lustful caress; there were scores of them! . . . or one beer, if it was beer he drank to steady his shattered nerves . . . or one barber; their own witness, mind you, giving the lie to Hale's trumped

up whopper about a cut chin! . . . or one Imogene Mayfield, who waved Mary Clay goodbye a few minutes before two o'clock . . . or one Dr. Buxton, who saw her enter the building, who swears Hale was there at one o'clock and didn't see him leave before two . . . or one Joe Turner, who saw Hale come out of the building at three o'clock and not Hale himself could get around that! . . . No, gentlemen, we are not asking you to convict Hale because of any one of these single, isolated facts. Sure, it is an isolated fact that she must have died between two and three o'clock, according to the medical testimony. Sure, it is an isolated fact that she was killed on the third floor, where I saw with my own eyes her life's blood smeared from door to elevator and splashed all over that dark death-trap of a cloakroom . . . and her pitiful little undergarments ripped to shreds . . . and her little shoe kicked into a corner in her struggles . . . all of it, gentlemen, within a few leaps of that man's private office! . . . It's an isolated fact that experts say he might have taken a full hour, from one to two, to correct those examination papers. It's an isolated fact that he trembled like an aspen leaf when the detectives questioned him. It's an isolated fact that he wouldn't talk until he got a lawyer, although—remember this, gentlemen!—nobody had then accused him of the murder! . . .

"But you take all those isolated facts, the time she got there, the time she was killed, the time he was last seen there, the time he left, what he did in that interval and his pitiful attempt at an alibi, which somebody has called 'the last resort of a guilty man' . . . you take the blood-spot and you take his behaviour and you take all

the other testimony of reliable witnesses . . . circumstantial evidence, gentlemen, but the law tells you it is just as good as direct evidence and the law says further . . . let me read you this . . . 'The most atrocious crimes are contrived in secrecy and are perpetrated generally under circumstances which preclude the adduction of positive proof of the guilt of the person who committed them' . . . That is what the law says about circumstantial evidence! You take the circumstantial evidence in this case, all the single, isolated facts, and you weave them together and they make a rope . . . not a chain, gentlemen, which is only as strong as its weakest link . . . but a rope, a cable that binds Robert Hale to the commission of this crime as surely as he sits there trembling now! . . .

"They talk of poor old Tump Redwine, as dumb but as honest a nigger as the good Lord ever made. Why, we don't need Redwine to convict Hale! That rope of circumstantial evidence convicts him and you know it! . . .

"Not that I doubt Redwine's story for a minute. Poor old Tump, poor old dirty, drinkin', good for nothin' nigger! He came so close to heaven by the sheer accident of falling asleep in that basement and then slipping out to see the parade . . . just like a nigger! . . . that he's still a little pale from thinking about it. You tell me Tump Redwine was scared? Of course he was scared! You tell me he made up a long lie on Hale? I tell you he ain't got sense enough to do it! And all this stuff about rehearsing him, you know as well as I do it's so much poppycock. You can't learn a nigger as dumb as that a story the way he told it! You and I, gentlemen,



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know nigger nature maybe a little bit better than gentlemen from New York know it. It's nigger nature to run from trouble; if Tump Redwine had killed that girl, he'd have been half way to New Orleans before midnight! It's nigger nature to lie to a cop, particularly if a nigger's got any guilty knowledge. Tump Redwine knew Hale was mixed up some way in the murder and that's all he knew. So he lied at first, the only kind of a lie he could think of, a typical nigger lie: 'I don't know nothin'.' He told the truth only after we pestered him . . . and I admit we pestered him! . . . only after we proved to him he could gain nothing by protecting the white man he was afraid not to protect . . . And would Hale face him then? No, sir! 'My lawyers advise me not to'—that's what he said! And I ask you, gentlemen, if you were falsely accused of a foul crime by a lousy nigger, wouldn't you move heaven and earth to face that nigger and slam the lie in his teeth? . . . Well, Hale wouldn't do it and he didn't do it . . .

"Now I'll tell you something else about nigger nature and you know it's true. All that blood on the third floor and her clothes and her slipper and her hair where she hit the back of her head against that desk. Would Tump Redwine have left them there if he had killed her? It's nigger nature to clean up! He had the time if he'd been the murderer. Hale left the building at three o'clock and Tump Redwine didn't leave till six. And why didn't Redwine clean up? Because he didn't know the mess was there! Because he'd already cleaned up the third floor and all the other floors! Because he didn't even know the body was there, under that elevator, a few feet away from him, while he was innocently snoozing

his head off! . . .

"And why, you ask me, didn't Hale clean up? Because he didn't have the time and he was too scared to do it! Yes, when he'd had his vile, lustful will with that child's body, he took time to find out if the janitor was in the building; yes, he got the janitor upstairs on a ruse so he could throw the body down the shaft; yes, he even took time to throw her vanity case after her! And then panic got him! He sneaked downstairs behind Redwine, he saw Redwine talking to Turner and he was more frightened than ever. Time to clean up? It was too late for that! But it wasn't too late to rush away from there, knowing as he went that when that body was found it would be found in the basement, knowing that Redwine would be the first man suspected, knowing that if Redwine talked it would be his word against Redwine's—a white man's word against a nigger's!—believing, Yankee though he be, that he had successfully hung the rape and murder of Mary Clay around a black neck that could never shake it loose! . . .

"Well, gentlemen, he didn't get away with it. Oh, yes, they asked me to charge Tump Redwine with murder! Oh, yes, they asked me to indict him! Oh, yes, they asked me to try him! They asked me, they urged me, they wrote me letters, they warned me and they threatened me. But I've got my own conscience to keep, gentlemen, and my conscience would never rest if I had helped to send Tump Redwine to the chair for a crime Robert Hale committed. Neither will yours, gentlemen! I stand here and tell you, with the evidence before us, that you will have to get you another district attorney before I will ask any jury to execute Tump

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Redwine, lousy nigger though he be. I stand here and tell you that you, too, will not fail in your duty to society, to humanity, to justice, to the unavenged blood of Mary Clay; that you will carefully consider the evidence; that you will remember the oath you have taken to be impartial and unbiased; and that you will then bring in the only verdict you can honestly bring: We the jury find the defendant, Robert Edwin Peary Hale, guilty! guilty! guilty! . . .”

\* \* \*

Judge Moore finished his charge at five minutes to twelve. The jury went to lunch at the Crittenden Hotel and at two o'clock retired to the grand ballroom behind locked doors. At ten minutes after two, Bill Brock, earphones clamped to his head in a window on the second floor of the Masonic Building, opposite the courthouse and commanding a view of the square and the Crittenden, said to his office:

“Are you there, Jeff? . . . Nothing doing yet . . . I'm going to keep on talking and you answer once in a while so we'll know the line's okay. I wouldn't put it past those *Advocate* bastards to cut it . . .

“I can see Dinny all right. He's in the third window from the north end. That's about midway of the courtroom. He's wearing a handkerchief around his neck like he said, but he don't need it, I could tell that beak a mile away . . . ‘Not guilty, right arm across chest’ . . . ‘Guilty, right arm raised’ . . . Okay, Jeff? . . . Not a chance to miss unless one of those muggs shoves him off the sill. They say it's so thick in there you can't tell who's scratching who . . .

"They've got the same setup, I guess; I can see Lew Price in another window. They must have an office in this building, too. Hey, the damn fool's playing handies, he just did the cash register! If he don't watch out, he'll flash a verdict of rain raining and grass growing . . .

"The *Messenger's* not getting out an extra. The A.P. will use our flash. And they've bribed a deputy to slip the verdict under the door for confirmation . . . Sure, everybody'll be locked up in there after the jury comes in. They say the *Advocate* offered the Sheriff a thousand bucks to tip them in advance . . . Naw, there ain't a chance . . .

"Dunno what they're doing. Everybody's afraid to use a pocket radio since the Hauptmann trial, see? . . . Don't you know about that? Two services had pocket radios with two different sets of signals, radius of seventy-five yards. But neither knew about the other's. When the verdict came, they crossed each other up on the air and there was hell to pay! . . . Haw! . . .

"Listen, Jeff, wha'd I draw in the pool? . . . Ninety minutes? Hell, that's an hour and a half! Fat chance I got! All the dope is a verdict inside an hour or a hung jury . . . Naw, nothing doing yet . . . Well, two guys were making book in the Crittenden can just before I came over here. They were giving two to five on conviction. But they say over at the Bench and Bar you can get some even bets; a lot of talk that Ben Piggott's got a sleeper on the jury. How 'bout it, Jeff, want to risk a fin on Hale? . . . Oh, all right, keep your dirty blood money! . . .

"Say, Jeff, don't you want some color stuff while we're hanging on here? There's a heluva crowd, you

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know. Must be five thousand people. Square's full on every side and I can see 'em jammed for half a block up Grampian Street. It looks like that time the Human Fly climbed the Channing Building except that was at night and now the sun is brighter than blazes. It's hot as hell here. I'm in the shade but I can feel sweat running down my back. These damn earphones don't help a lot, either . . .

"Yes, plenty of women, one out of five maybe . . . Funny thing about this crowd, they're quiet. You remember that time I covered the hangin' at Keysville? They'd built a scaffold out in the open, next to the courthouse, but they'd put a board fence around it higher than a baseball park's. If you were outside, you couldn't see in, and if you were inside, you couldn't see out, only that little patch of blue like Oscar Wilde, see? . . . Well, there must have been people from a hundred miles around, come in for the hangin'. Fords and wagons and mules and kids and dogs all over the place, till there wasn't a square inch that wasn't covered with folks. But when they sprung the trap, and for an hour before they sprung it, that crowd didn't make a sound. I couldn't see them after I went inside the enclosure, of course, but it was a weird feeling, knowing they were there, thousands of 'em, not making a sound, waiting. I tell you it was weird . . .

"Still there, Jeff? . . . Well, this crowd is like that. They don't make any noise, they don't say anything. Of course, I can see this crowd. Right underneath me it's like somebody hammered the street full of straw hats and where Grampian Street comes in, the faces begin. All white, Jeff. There's not a nigger in sight . . .

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"There's a lot of cops. They're keeping the car tracks clear and they don't let anybody on the sidewalks on the courthouse side. But they gave up trying to make them move along. I haven't seen an automobile since I got here. They must be routing them 'round the square. Wait a minute, Jeff . . .

". . . You there? . . . Looked like a fight, but it wasn't. The cops pulled somebody off a lamp-post. Might have been trying to make a speech, might have been trying to see better. I sent Carter downstairs. If he finds out it's important, I'll let you know . . . I don't think this crowd wants speeches. They're just quiet down there, they're just waiting . . .

"What time you got, Jeff? . . . Check . . . Jesus, it drags, don't it? . . .

"Listen, Jeff, I'm not getting jittery, but I got an idea. I flash you the verdict, see? and then I say, 'Right arm across chest' or 'right arm raised', whichever he did, so you can check me. Get it? . . . Okay, Jeff . . . Wait a minute . . .

"False alarm again. Over by the Crittenden. For a minute I thought it was the jury . . ."

\* \* \*

The great chandeliers that had shimmered there since reconstruction days, on carpetbagger balls and cotton carnivals and cotillions at the turn of the century where Northern capitalists waltzed with the haughty impoverished of the land, shone now from the Crittenden's dusky ceiling on twelve men in shirtsleeves from whom grace and elegance and harmony were as far removed as were the rusty gilt chairs and the battered grand piano

from the days of the Crittenden's glory.

Seven of the men sprawled in disgusted attitudes around the rostrum at one end of the huge room. They teetered in the chairs or sat on the piano or kicked their heels from the rostrum's edge, about all of them the angry and weary air of travelers waiting for a train long overdue. Scraps of paper littered the floor at their feet. They were men gone mute from much argument; they had reached that stage of exhaustion where they could only glare.

Their glares were fixed on two quarters: one a corner where two men labored with a third, the other a corner where one man strove with another. The latter were John Felker and Juror Number 6. The former were Ben Cooney, Jones Slidell, the foreman, and Juror Number Two, a swarthy, brittle man in gold-rimmed glasses named Moffatt Gordon.

"The evidence . . ." said Moffatt Gordon.

"Damn the evidence," said Jones Slidell, and shook his head like a tired bull at the persistent cape. "You have harped on 'evidence, evidence, evidence', sir, until you don't know yourself what you're talking about. I tell you again, Gordon, we can argue points of evidence till doomsday and we'll be right where we were at the beginning, a question of opinion. But you, sir, are setting up your opinion—one man's opinion—against the opinions of ten reasonable, hard-headed, fair-minded men who have weighed the evidence just as carefully as you have and agree you are dead wrong. One man! I'm not counting that stubborn boy over there: if Felker don't bring him over, I'll guarantee to do it. And who are you, Gordon, to set yourself up against the opin-

ions of all the rest of us—of Cooney, here, and me, and those men over there—and throw this thing into a deadlock after the weeks we've spent on it, and cost the State thousands of dollars, and the tax-payers plenty, and then a second trial to go over the whole business again? Can you afford to do it? Are you going out of here as the man who hung the Hale jury for no more cause than that you can't quite make up your mind?"

"I didn't say I hadn't made up my mind," said Moffatt Gordon, running his tongue along his lips. "I said I had a reasonable doubt . . ."

"Listen, Mr. Gordon," said Ben Cooney, with the cold amiability of a banker, "you gotta remember what the district attorney said about that. Now you and I are business men. I know about your business, don't I? I've had business dealings with you, or anyway, with that Hightower crowd that holds your notes." Ben Cooney's mild blue eyes were as innocent as shoal-water. "Now what did Griffin say? He said, if I remember right, and he quoted it from the law, he said that a reasonable doubt was the same sort of doubt a man would act on in settling the ordinary affairs of his own life, like, for instance, his business affairs. Now I ask you, Mr. Gordon, if that Hightower crowd came to you and advised you to take a certain step in your business and you had a doubt about the wisdom of it, but just a doubt, mind you, and not a deadset conviction that they were wrong, what would you do? Wouldn't you listen to 'em? Wouldn't you maybe make your decision the way they urged you to? Wouldn't you admit that it was just as reasonable to go their way as to go yours?"



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Gordon's liquid brown eyes were sliding about like quicksilver.

"Now here we are," went on Ben Cooney, "a group of men that in a way are just as important to you and just as competent to advise you on this subject as that Hightower crowd on a business matter. We've agreed, if we can get somewhere, to go out of this place with our tongues tied. We haven't agreed what we'll do if we don't . . ."

Across the room, Juror Number 6 said for the fifteenth time, "Nobody's going to bully me."

"Son, I'm not tryin' to bully you," said John Felker. "Nobody here is tryin' to bully you. But the fact is, son, you're leanin' over backwards tryin' to prove to yourself you got guts. Ever since you got that note, you ain't been scared, but you been scared somebody'll think you're scared, includin' the feller that wrote you that note and all that gang out there waitin' for the verdict. So you ain't decidin' this case on its merits a'tall, you're decidin' it on your own merits as a man. Well, lemme ask you this, son: who is the better man, the bullheaded feller that says, 'They can't scare me and I'll prove it by votin' to acquit this feller they all want me to convict', or is the better man the feller that says, 'Sure, they tried to scare me, sure, I can show 'em I'm not scared by votin' for acquittal, but I'm just naturally man enough not to give a good God damn what that crowd thinks, I'm man enough to decide this thing between me and my God, I'm man enough to vote guilty because that po'r little gal was killed and *somebody* killed her and the evidence, by God, shows that Hale did it! I ask you, son, who is the better man?"

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Juror Number 6 tossed the sweat from his forehead. He swallowed hard.

"I'm not scared of anybody," he said . . .

The man on the piano stool said, "He's a Jew, that's what he is. I don't care what his name is, Gordon or Bashinsky, nobody but a damn Jew would hold out like that."

"He'll live to regret it," said the man in rumpled pongee. "The son of a bitch! He'll live to regret it."

"So will that other little fool," said the man with the wen. "If he's so sure Hale never done it, why the hell did he ever get on this jury? They oughta ruled him out for cause before the trial started."

"What beats me," said the hawk-nosed man, "don't they realize if we're wrong, the Supreme Court'll throw it out anyway? Why not vote guilty? What the hell! The Supreme Court . . ."

"The hell with the Supreme Court," said the fat man. "I wanta go home!"

"Why, even if the courts save Hale . . ." said the hawk-nosed man.

"And the hell with Hale, too." said the fat man . . .

\* \* \*

Bill Brock said to his office: "They're coming—they're coming, Jeff! . . .

"I can see them . . .

". . . across the square . . .

". . . the cops're forcing back the crowd . . .

". . . there's Dad Hepburn . . . and Chief Strawn and a flock of deputies and God knows how many cops!

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"Now I can see the jury . . .

". . . Jones Slidell . . .

". . . and old man Cooney . . . you can't tell much from here . . .

"They're just walking along . . . eyes front . . . a couple of 'em with their heads down . . .

"They're away from the crowd now . . .

". . . crossed the street . . .

". . . up the courthouse steps . . .

". . . in! . . .

"My God, Jeff, you should look at this crowd . . . so damn still . . . you wish somebody would say something . . . yell something . . . Jesus! . . .

"You there, Jeff? . . . keep talking, will you, keep talking . . .

". . . won't be long now, won't be long . . .

"Wait a minute, Jeff, wait a minute! . . . I'm looking at Dinny, looking at Dinny . . . his back to me, he hasn't moved . . .

"Wait a minute . . . Jeff, if I faint or pass out or something . . .

"Here it comes! . . .

"GUILTY! . . .

"Y' got it, y' got it? Guilty I said guilty I said let 'er go let 'er go let 'er go! . . . Yes, yes, right arm raised, right arm raised . . . Hold it, Jeff . . .

"For Christ's sake, NO! I don't mean the verdict, the *phone*! . . . it's the crowd . . . they're just getting it . . . do you hear them? . . . that's the crowd! . . .

"And they're running! . . . across the square . . . Oh, my God, lookit the cops! . . . they're fighting with

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'em . . . cops and crowd all mixed up together . . .  
and the mounted cops, too! . . . running 'em down!  
. . . Oh, Jesus, that was a woman! . . . right under the  
horse! . . .

"It's Hale they're after! . . . No! hell no! that's not  
Hale . . . It's Griffin! . . . They're cheering him, Jeff!  
Can you hear them? . . . They've grabbed him, they're  
carrying him on their shoulders! . . . Oh boy oh boy  
oh boy . . ."



## PART FOUR



IN THE WEEKS that followed the conviction of Robert Hale for the murder of Mary Clay, the national spirit did not lack stimulation. War blazed in Europe, politics filled print and air, hurricanes descended, labor rioted, Hollywood burst with scandal, millionaires died, the poor suffered, love and greed and tragedy rode the headlines. Yet through them the name of Hale persistently struck. And as if passion, once stung, needed no goad but a flick of the old wound, controversy and indignation and bitterness over the Hale case flared higher than ever in the bonfire of many events.

Thus, when Judge Lucius Lamar Moore sentenced Robert Hale to die on the first Friday in October, Hale already had been hanged in effigy in twenty southern towns.

Thus, when Hale's attorneys moved for a new trial on one hundred and fifteen counts, every New York newspaper ran leading editorials screaming for justice to prevail.

Thus, when Judge Moore denied the motion, he received a hundred telegrams denouncing him and a hundred more of congratulation; thus, when appeal was



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taken to the State Supreme Court and Hale's execution postponed, the condemned man was prayed for publicly in many northern churches.

The State Supreme Court upheld the lower court and Hale's attorneys announced they would appeal to the United States Supreme Court. The White House acknowledged letters from as far away as Tokio, urging the President to halt terrorism in America. Mike Gleason was warned privately but officially not to recross the Mason-Dixon line. "Save Hale" meetings took place in Union Square, New York. Pickets paraded up Pennsylvania Avenue in Washington and in front of the Treasury had their placards torn from them by irate southerners. In Shady Dale, Georgia, two maiden ladies refused shelter to a tincan tourist with a New Jersey license plate.

The Supreme Court handed down its decision on the twenty-second of December. The white-haired justice who wrote the opinion—a famous liberal—spoke in measured words:

"The relation of the United States to the sovereign States, the relation of the Supreme Court of the United States to the Courts of the sovereign States, is a delicate relation, guarded by statesmen and judges since the Republic was founded, vitally important to the welfare of the American people as individuals and as a nation, not to be lightly considered or wantonly disregarded. This is a case of crime charged under State laws and tried by a State Court. It is not within the discretion of the Supreme Court of the United States to see that justice generally is done without specific and legal cause for reversal of judgment. It is not within the discretion of

the Supreme Court to act on one case because it has stirred more public interest than another case. It is not within the discretion of the Supreme Court to intervene in a case on the ground that public opinion demands intervention. The law does not trouble itself with public opinion. If it did, the defendants in criminal cases would be at the mercy of public opinion instead of being acquitted or convicted by reason, judgment and evidence in due process of law. Nor is it within the discretion of the Supreme Court to consider exceptional circumstances attendant on the holding of a trial so long as a fair trial was conducted.

"If the record of a cause shows that the proceedings were void in a legal sense, as when a mere form of trial takes place in a court surrounded and invaded by an infuriated mob demanding conviction, this Court might intervene. If the record of a case shows that the Constitution was infringed in a concrete way, this Court might intervene. If the record of a case shows actual and specific evidence of an unfair trial and a violation of rights, this Court might intervene.

"But it is desirable that all cases shall be tried under the public eye in order that those who administer justice shall always act under a sense of public responsibility. In this case there is no evidence that trial was held other than by the established custom whereby every citizen may satisfy himself with his own eyes as to the mode in which a public duty is performed. There is no evidence that the trial was a void proceeding legally. There is no evidence that Constitutional rights have been violated. The accused, Hale, has been tried, judged and

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convicted in a competent court and the sovereign State has said it shall be so . . .”

The decision was unanimous.

\* \* \*

Robert Hale took his Christmas present from the gods as he had taken each of their successive blows—standing up, his knuckles alone outside the bars. The reporters were first, and then Ben Piggott, and at last Sybil, running through the December rain. He had little more to say to her than he had to any of them.

“It is the last chance?”

Sybil could only sob.

Cold eyes watched them. A guard sat outside the cell day and night now.

“They said it was unanimous . . .”

She nodded miserably, praying to some great illusion for a strength that was no more. She could give him nothing now, not even understanding of the crucified face in the shadows. If I could only die—that was her one desire. Yet out of the end of all feeling she could still twist a rag of hope.

“Perhaps they can file another motion . . . surely something . . .”

“What?”

“Oh, there are ways! Newly discovered evidence or . . .”

“No, it is no good. Piggott says it is no good.”

“What does he know? We’ll get new lawyers!”

“They will be no better than the others.”

“Robert!” she cried, her cheeks in yearning and re-

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coil against the bars. "Don't, Robert, don't! . . . Please don't give up!"

He stared beyond her, silent.

The guard watched. He had watched and listened often before. When she left he would call her Sybil, he would give her a smile. But she looked like hell today in that old wet hat.

"I will never give up," Robert said.

Rain dripped in little puddles. She blew her nose.

"There is always the Governor, Robert."

"Yes."

"They say he is a fine man . . ."

He did not answer. He kept staring beyond her, beyond the guard, at the wall, at the last edge of steel beyond which he could not see.

\* \* \*

The final date set for Hale's execution was the sixth of March.

On January first Andrew J. Griffin resigned as district attorney of Danderry County to announce his candidacy for United States Senator. Betting, which had been 10 to 1 on Mountford against the field, immediately shifted to 8 to 5.

Had any man opposed "Little Andy" on his tide of triumph other than "Big John of Boone"—the mountain boy who could talk the language of the midlands and the coast, the silk-stocking who had won the wool-hat votes with the wealthy's, the Governor who for three terms had so served his State that the ascent to Washington seemed a foregone sequence in his career—the odds would have veered even more sharply. But

"Big John," with his looks and voice to front his record, more than met the challenge of the hero of the Hale trial.

Furthermore, as the campaign advanced, the talk around the clubs and cracker barrels charged Griffin with a fatal strategy. He should have run to succeed Mountford in the October gubernatorial primary. Fresh from his victory, "Little Andy" would have had a walk-away over Milstrap, the Democratic nominee. But Griffin was greedy. "Little Andy" had looked to the greener laurel. And under the hard hat a clever scheme had sprouted. Hale's last hope would be executive clemency. Terrific pressure would be brought on the Governor to exert the power he alone possessed; if not to pardon, then to commute to life imprisonment. What man would not be confounded by such a dilemma?—on the one hand the plaudits of the world if he should be merciful; on the other the wrath of a majority of the State, retaliation at the polls, political suicide! Then and there Griffin chose to pitch his hat into the bigger ring.

But Griffin—said the dopesters—had missed the boat. The long-drawn-out appeals and reprieves had tripped him. Hale now must die on March sixth and the new Governor would take office March first! What could be easier than for Mountford to delay action on the petition for commutation until after the inauguration? The petition had been filed, but the Board of Pardons must meet and make a recommendation, plenty of red tape would save Mountford's face, no governor ever pardoned or reprieved or denied until the eve of execution. It would be not only easy but natural for Mountford to duck the issue. Griffin had dumped the

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bag in his lap; okay, Mountford would leave it in poor old Milstrap's—and go forth to battle "Little Andy" with no mud on his shirt . . . Why, "Big John" must be laughing like a jaybird! . . .

So went the buzz in cities and cross-roads; and oratory galloped the muddy hills and the bleak, brown fields; and the betting switched again, Mountford 2 to 1; and on the last day of February Sybil came to Gabbatha, for though Pilate might wash his hands, she could at least entreat.

\* \* \*

Ice would still be in the Hudson, but here it seemed already Spring, with dandelions on the Capitol lawn and the great oaks a fuzzy green and sunwarmth in the breeze that lilted past the columns and along the vaulted halls to chuckle at the radiators in the chamber where she sat.

She put her fingers to her forehead. It was damp and quickly she powdered, her eyes on the brass-buckled doors whence the young man would reappear. When she first came in, though her knees could scarcely carry her, she had smiled at him, for the fine day somehow had let her smile. But when he had left her in this room, away from the other crowded one, smiling had seemed horrible and her bravery had given way to sickening loneliness.

This, the last struggle, was up to her.

They had all deemed it better so, Robert and Father Hale and Mr. Piggott, and Robert had said, thinking of the delirious woman in Bayside, "Mother would wish it, too." He had kissed her and Mr. Piggott had advised

her at the last, "Be simple and direct; he is a very understanding man," and even the reporters in the other room had caught her hand and whispered, "Good luck, Sybil!"

Yet she was so alone . . .

The doors parted.

But it was not the young man. This man was old and he wore a hat and a raincoat, faded and frayed and very long. He stood gauntly regarding her for what seemed an endless moment, until he said, "I beg your pardon, ma'am," and touched his hat and went away. Sybil thought: I wonder why he wears a raincoat on a day like this? Then the young man entered. He said, "The Governor will see you now," and Sybil walked through the doors.

The brightness blinded her for a moment. Her hand went up, resolutely she controlled it—and saw him standing with his back to her, looking out the high windows through which the sunshine poured. Her impression was only of bigness.

"Mrs. Hale, Governor" . . .

The young man was gone.

"Sit down, Mrs. Hale."

He came toward her and she searched for leniency in his face and found trouble and pity and iron. He is the handsomest man I ever saw, she thought. Then she began to speak, leaning forward from the leather chair and her words jerking, halting, bumping onward like a cart on a rocky road.

The Governor heard her out. "I know what you are suffering," he said, "but . . ."

Sybil burst into tears.

She had failed! She had not been simple and direct, she had been stupid and confused; nothing she had meant to say had she said; all that came out of her had been as if someone else said it. The face she lifted to the Governor was the blubby, hurt face of a beaten child.

"I am so tired," she whimpered. "I am so very tired!"

The Governor took her hands between his and pressed them hard. His eyes were like that reporter's eyes, only they were a kindlier blue.

"Be of good cheer, Mrs. Hale," he urged. "I shall not decide this offhand. Be of good cheer."

It was over then—over and done with in those little, few minutes—her chance and Robert's chance. And though the Governor's arm was about her and his kindness sheathed her as she groped for the door, she knew now there was very little use in her living for tomorrow.

Governor Mountford rang for his secretary.

"Take those away," he said . . .

". . . and those."

The secretary began to lump together the two great piles from the desk, the letters and telegrams and petitions that had been accumulating for days until they were like two fortresses frowning at each other across the dark mahogany where the Pardon Board's recommendation lay.

"Will you have anything for the newspaper men to-night, sir?"

The Governor did not answer at once. He was still standing staring out into the afternoon glow.

"Tell them not to go just yet," he said. "Ask them to wait."

The oaks were beautiful today. They were very old,



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thick as the Capitol's columns, tall as its dome. When he was a little boy, his father had brought him to the Capitol to see the legislature in session, but he had always remembered better than Senate or House or page-boys or even the battle-flags in their glass cases, the oaks like giant sentinels. For on one of them, they told him, a spy had been hanged in the War and the little boy had taken away a haunting picture of the hanged man swinging from the great oak. The time came when he grew to love the oaks, yet he never studied them without a feeling of nostalgia for the past and there were other days when the hanged man stared back at him through the tall windows.

He was not known as a pardoning Governor. In this as in other matters he had been a temperate man, even a severe man, and today was not the first time he had watched, with pressed lips, a stricken woman totter along that walk toward widowhood. Nor today was it either Sybil or the hanged man who hovered longest in the sun.

He saw, out there, himself and Nancy, his family and friends, their smiling faces surrounding him in his times of greatest happiness and success; he saw, too, his foes, and the sycophants and trucklers and all the mercurial mass of politics. He heard the sweet voices: "Courageous—honorable—a man!" and the others, "Yellow—crooked—bribed!" And he knew well that the second chorus would drown the other as the sea the bubbles on a beach, should he or any other Governor commute Robert Hale's death sentence.

The future also was in that sunshine—the path of glory—with Washington at its end and he traversing

it and Nancy at his side as ever she had been since the hard beginnings. For a moment the temptation was fierce in him to go on, regardless, to the rewards which, in all justice, he deserved. What was one man's life—one petty, gray life—compared to the consummation of his dreams? Why should he let a crumb of dust destroy him, and for the sake of a mere doubt?

And then, not the hanged man, but a tenuous scarecrow in an old raincoat stared back from the oaks and he heard again one voice: "The seal of confidence between lawyer and client is supposed to be inviolate, but I am a sick man, Governor, I cannot go to the grave with a fellow sinner's blood on my soul, even though what I tell you is not conclusive of his innocence . . ."

A doubt. For the sake of a mere doubt . . .

But could he ignore that voice?

Could he, doubting, let even a gray life die?

And could he, who might save that life, leave the decision to another?

His father used to say, "A regular man doesn't pass the buck, sonny."

Well . . . are you a man?

The Governor turned from the window. He pressed a button.

"Has Mrs. Mountford come yet? As soon as she arrives, I wish to see her. And tell the newspaper boys I will have a statement."

\* \* \*

The extras did not hit the street till six, for when the story broke at five, the papers were caught unprepared. They had all expected denial of the plea; commutation

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to life imprisonment was a bombshell. It was seven before the mob formed.

They came in from the stockyards and the mills and later from "the badlands", those clumps of squatters' huts beyond the CCC camp where the railroads ran past dump heaps into forest. They trickled across the bridge and along Monrovia Street, picking up the news by headlines and word of mouth. The early sunset saw them clotting in surly patches outside the Last Chance and every other drinking place from the city limits inward. When cold came with the dark, there were a thousand men in Buckley Square, and as some lit fires along the curbs, the flames were like beacons calling to the clans. The street lamps, going on, cast hurrying shadows at every intersection.

Lew Price had been given a taxicab, a photographer and carte blanche to rove where his judgment dictated. He went first to the jail. Here he learned that at four o'clock, on secret orders from higher up, Hale had been smuggled out. By the time the extras appeared, the jailer said, Hale was on a train to State's Prison at Hamilton, two hundred miles away. Price, demanding proof, was shown an empty cell and travel vouchers. He telephoned his paper and started for Sybil's boarding-house.

The mob, then, was moving in slow bunches, stopping to shout and argue, along Grampian Street up Capitol Hill. It was evident they were converging toward the jail on the far side. Price heard a crash and yells and the clatter of mounted cops as his car rolled out of the shadow of the oaks. He stopped long enough to find out that someone had thrown a stone through the dark window of the Governor's chambers.

"And that's about all they'll do when they hear Hale's gone," he predicted. "Step on it, kid, let's go after this wench."

But Sybil was not there; Mrs. Coogler said she was at the Warrens' . . . Price decided to return to the mob.

The car was swinging into Longfeather Avenue, with a straight shoot ahead across the viaduct south to the city, when Price heard the distant mutter. The second extras were already out, newsboys had passed them, shouting "Hale Commuted! Spir'ted Away!" and all along the side streets and on the Avenue itself people were running hatless into their yards and despite the chilly night, standing rooted beneath the arclights to read the 10-point paragraphs.

"Stop!" said Price. "What the hell——"

For unmistakably the mutter and the roar were coming closer.

Then, as they waited, he saw the vanguard of the mob atop the viaduct's rise. A crescent moon was up and in the clear, frosty air he watched them stream toward him down the slope, running, weaving, straggling, like a spew of bugs fleeing before the exterminator.

Price's first thought was that the cops were driving them. There seemed no other explanation for this exodus to the north. But as the mob reached him and the runners and the stumblers washed past the car, he heard their curses and realized the truth.

"Good God, it's the Governor, not Hale! Go north, boy! Follow them!"

He tried to fix on his mind, for he could take no notes in the jolting darkness, impressions for his story:

The man waving the empty whiskey flask, the man

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stopping to drink and snarling like a dog as he pulled the cork with his teeth;

The men with lathes, fence palings, any stick they could grab, as swaggering brave as if they bore machine guns;

The men with rocks in their hands, the men with nothing;

The youth of most of them—"I don't see the Clay brothers or any leaders," he thought, "shucks, these are mostly boys!"

The white faces on the lawns; the pretty girl dancing up and down; the woman with the child; the smashed kiddy car that got in the way . . .

At the corner of Franklin Street, where the Avenue split for the Pershing Monument, there was a check and Price's car caught up and moved through the mob, horn blowing, in time to see Andrew Griffin at the monument's base exhorting the mob to go back . . . and to hear the mob hoot him as they tumbled on.

It is doubtful if a dozen recognized the prosecutor. Price wished he could have seen his heart. What brew of elation, anxiety, glee and duty bubbled there? This man, like the mob, had been cheated of his prey, yet thereby he had cinched a crown. Tomorrow's editorials would praise him for his courage.

The Governor's mansion was not half a mile ahead now. The car drove forward, broke the mob's spear-head and leaped to sixty. The Avenue glittered cold and empty; on either side the homes of the secure drowzed snugly.

"Halt!"

Brakes screeched.

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"Press!" yelled Price.

The figures in the drive advanced.

"Oh, hello, Lew," said Captain Stewart Howell, "you better get inside the house before the boys use you for target practise."

But Price chose to stay on the lawn a dozen yards behind the backs of the militia.

From there he saw them go forward; saw moonlight flash on steel; saw the mob round the curve and stop; saw the Battle of Longfeather Avenue won without a shot.

The mob huddled . . . "Y-a-a-a-w, ya willie boys!" . . . out of the front line a man staggered, straight at the bayonets . . . a high scream, ending in a grunt and a choke . . . So Private Stanley Harrison, Juror Number 6, proved after all that they couldn't scare him.

Price stood with Stewart Howell after the retreat. A doctor worked with two militiamen on the body in the drive.

"The poor bastard," said Price. "Hale saved . . . the Governor saved . . . and the innocent bystander, as usual, gets it in the gut . . ."

\* \* \*

The steady click of the wheels slowed and, with a wheezing jerk, the train stopped. The detective on Hale's left said to the detective on Hale's right, "I'm going to the can." He began to unlock the manacle from his right wrist.

The prisoner tried to cooperate by lifting his hand.

"Let it lie," said the detective.

Since the last stop, twenty miles back, there had been no one else in the coach. Since they first got on, no one had approached them save the conductor.

The three occupied a rear seat, the detectives talking spasmodically across Hale. Neither addressed him. He had spoken only once, to ask for a drink of water. His slow breath rose and fell; his eyes never left the window. Thus for a hundred miles.

He gazed now at no brightly flickering horizon, no deep rush of night, but at a cornfield asleep under the moon. The moon was in the west, a cold crescent above black trees, and the stubble of the corn lay withered in the furrows. Yet Spring stirred, in a scent of rushes, in the pipe of frogs and peepers.

The prisoner breathed deeply, quietly.

"This ain't no station," said the detective in the aisle. "I wonder why——"

He was stooping to peer across the seat-backs when the voice said, "Stick 'em up, Jack."

His hands went up.

"You, too—in the back there."

Hale's manacled wrist rose with the detective's.

The voice came from behind them. The masked man entered from the front. The mask was over the lower half of his face. Only his eyes showed under his hat brim. As he walked down the aisle he leveled a double-barreled shotgun.

When he stopped, he said "We want that man. Unlock him."

He said, "Get up, Hale."

He said, "Walk . . ."

\* \* \*

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Brock woke from a dream repeating the tumult of the evening.

One by one the phantoms receded—the shouting mob, Governor Mountford's unruffled calm, his wife's tears, Sybil Hale's radiance through hers—until only the ringing of the telephone remained.

He answered in the dark, too tired and sleepy to fumble for the switch.

The voice of the night-watchman of the Star Building, coming back, seemed part of his dream.

"Wait a minute, repeat that," said Brock.

"Mr. Adams told me to phone you. He is on his way to the office. He wants you to come down soon as you can get here. They took Hale off the train at Hazlehurst. A band of fifty men. Nobody knows where he is."

Brock's brain felt numb.

"What time is it?" he said.

"Two o'clock," said the night-watchman . . .

At six o'clock, in the watery sunlight of the *Star's* city room, Brock said to Mr. Adams, "That was the night telegraph operator at Jasper. He said a farmer reported he heard a lot of automobiles pass his place around midnight. They were going north."

Mr. Adams ran a forefinger along the map in front of him. "Jasper . . . about fifty miles from Hazlehurst . . . and at least a hundred and fifty from Hamilton. It's farther north than Tonkerville, too, where we had the other report. They are taking him this way, then."

"Unless they left him somewhere along the road," said Brock.

"Left him?"

"Well, you know what I mean. Hale may be hanging



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in some woods or swamp anywhere in the middle of the State—and the buzzards pecking his eyes out for months before the body's found."

Adams said, "You take a lot for granted. How do you know it was a lynch mob? They might have been his friends."

Three reporters, needing shaves, came in.

"There's nothing to do, boys," said Mr. Adams, "but wait."

The reporters sat down.

Brock said, "Well, from the engineer's description, they didn't talk like Union Square. And they saw off their shotguns up yonder."

Mr. Adams said nothing. He frowned at the map. The reporters watched him and Brock.

"Try the operator at—" began Mr. Adams.

The telephone's ring stopped him.

Brock said "Hello", and waited, and they all waited.

Brock said, fast, "Who is this please?" He jiggled the receiver. He said, "Paul, find out where that call came from!" and banged it down.

He said to Mr. Adams, "It was a man. He said, 'If you want to find Hale, go to Flodden' . . . That was all."

Mr. Adams, staring at Brock, said as Brock got up, "It may be a wild goose chase, why don't you wait—"

"No," said Brock, "something tells me this is the blowoff."

\* \* \*

Five miles out of town, with the sun high and tiny toadstools of frost melting on the red clay banks, their

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car met another car and Brock told his driver to slow down. He shouted at the man in the Ford.

Milk blue eyes calmly studied them.

The man nodded. "I reckon you on the right track," he said. "I heard it a while ago." He put the Ford into first. "Yes, suh, they tell me they got him sho' 'nough. They wuz sayin', too, that the last thing he said wuz the nigger told it all . . ."

The Ford shuddered and moved on. Brock looked back. Though it had not rained hereabouts in weeks, he could not read the license plates for the mud on them.

At Flodden he did not need to ask again. Many cars were ahead of him. They turned at the square, rumbled over the wooden bridge and up the hill where pines hid all but the gray roof of the house.

"Her grandmother's," Brock informed the driver. "Mary Clay was born there. And she's buried there."

Then, as their car trailed the others into a field, he saw the old woman and the Clay brothers on the front porch and across the road the crowd around the iron fence and from the limb of a tall pine the body swinging, its feet pointing to one of the mounds.

Brock got out and crossed the road. Nobody looked at him, nobody spoke from the cordon of lean necks bared to the sun. Brock, too, stared into the sun.

A tan station-wagon drove up the hill. Two negroes got down, carrying a step-ladder, and a white man who led them. He was a sturdy sixty, his suit well made and his white moustache crisp against his ruddy cheeks.

He strode ahead of the negroes as if the crowd was not there and the crowd parted before him and he

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stepped over the iron fence and among the mounds of pine needles with sure feet.

"Put it there," he said, pointing to the hollow next Mary Clay's grave.

The negroes set the ladder.

The crowd had watched without a word, but now a voice drawled, "Fixin' to cut y' some hawg meat, Judge?"

The Judge whirled.

"The man is dead," he said. "Let him rest in peace!"

"—in hell, y' mean!" came back the voice.

The Judge turned to the negroes and directed them where to stand while he himself climbed the ladder and cut the rope. The negroes caught the body as it fell, but not with a sure grip, and the body's head struck the grave, the sound soft but audible on the needles. From the crowd rose a mutter.

"Get him into the wagon," said the Judge.

But before the negroes could lift it, a man ran out from the crowd, leaped the fence and began to kick the body. The negroes stood back while the man's heel drove into the swollen face.

The Judge skipped down the ladder as briskly as a boy. He struck at the other, who slipped on the smooth needles.

"Is there a man among you?" cried the Judge.

Those nearest held the floundering, cursing man while the negroes picked up the body and carried it to the wagon.

Brock ran after them.

"I'm with the *Star*, Judge Fain! Where are you taking him?"

The Judge was very red.

"To a decent burial, I hope, sir!"

As the wagon started, Brock jumped. He caught and scrambled on. His face slid into the body, but one of the negroes helped him and he got to his feet and stood stooped under the wagon's top as it jolted down the hill and into the main highway where the dust of the cars approaching would meet soon the dust of those that followed. The Judge drove fast. He never looked back.

Brock stared at the livid throat, the heel marks on the face.

"I wonder if you really did it," he said aloud.

It was mighty uncomfortable here. The sun was getting hot as April. He sat on the floor and swung his legs over the back, watching the dust cloud grow against the sun.